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Class A.

CORRESPONDENCE

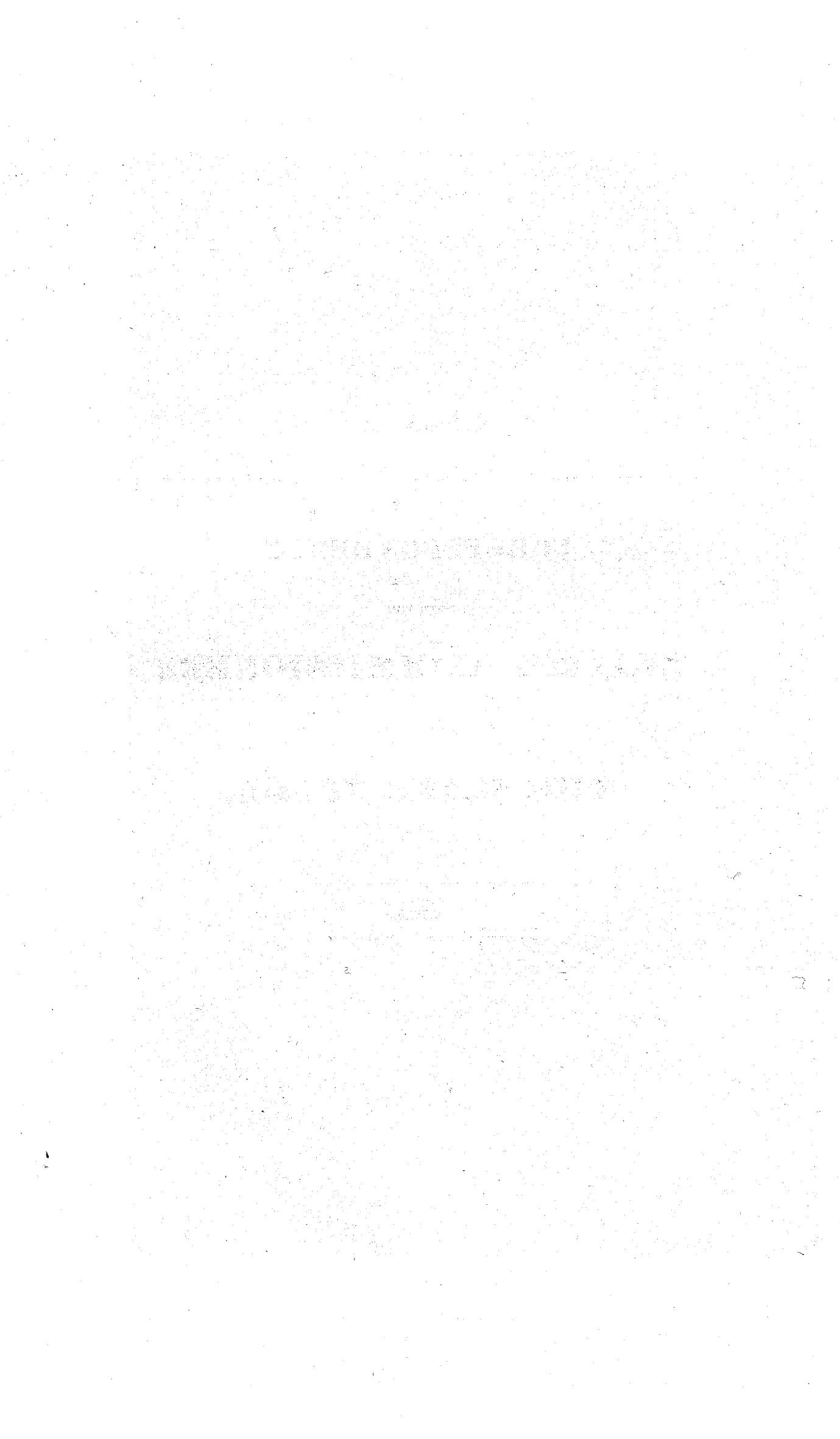
WITH THE

BRITISH COMMISSIONERS

RELATING TO

THE SLAVE TRADE.

1841.



Class A.—1840.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1839.

(Received January 14, 1842.)

MY LORD,

WE have the honour to transmit herewith to your Lordship a certified copy of the list of slaves registered here by the different Mixed Courts during the last half year. The number so registered was 1221.

During the same period the survivors of 212 slaves captured in the West Indies on board the Spanish brig "*Scorpião*" were emancipated by a Decree of the British and Spanish Mixed Court of Justice, but not registered here, owing to their having been landed at Nassau, New Providence.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

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

&c. &c. &c.

Enclosure in No. 1.

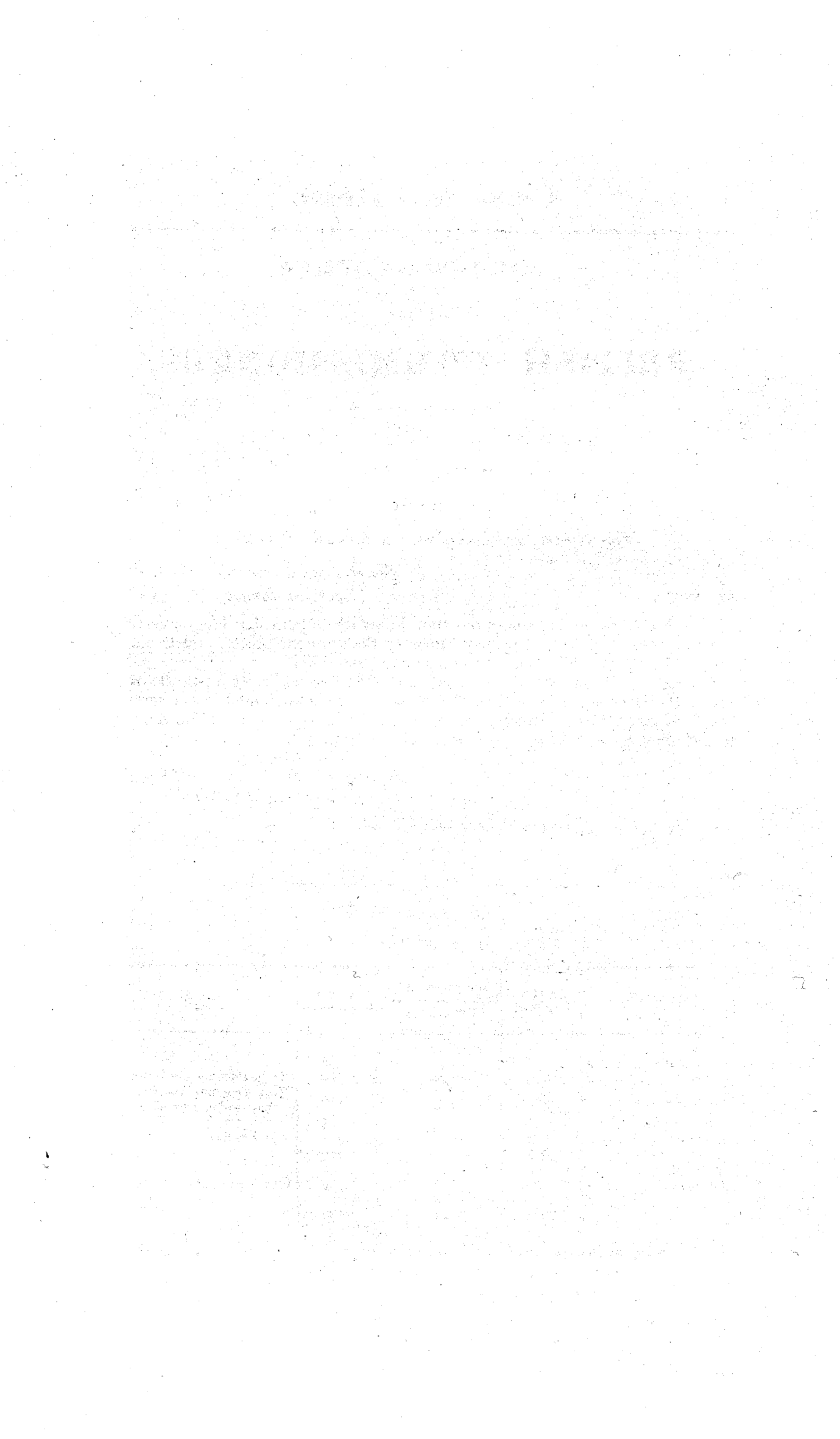
ABSTRACT.

Name of Vessel.	Number Registered.	Number died before Registration, but after Emancipation.	Number Emancipated.	Remarks.
Merced	1	..	1	Three men and one boy died. Two men, one woman, one boy, and one girl died.
Casoalidade	88	..	88	
Jacuby	192	4	196	
Pomba da Africa	115	5	120	
Sedo ou Tarde	21	..	21	One boy died.
Constituição	337	1	338	
Sete de Abril	415	..	415	One woman died.
Andorinha	3	..	3	
Vencedora	49	1	50	
	1221	11	1232	

Mem.—Number registered up to 30th June, 1839 49,933
Number registered from the 30th June to 31st December, 1839 1,221

51,154

CLASS A.



Class A.—1841.

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ERRATA.

Page 104, l. 15, for Lord Ho w a Walden, read Lord Howard de Walden.
Page 166, add Second Enclosure in No. 135. Mr. Aston to Viscount Palmerston. February 8, 1841.
(See Class B.)

Page 217, l. 19, for August 22nd read August 13th.

Page 240, No. 188. List of Enclosures:—
1. Viscount Palmerston to Mr. Aston. May 6, 1841.
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Page 375. Enclosure in No. 279. Lord Howard de Walden to Viscount Palmerston. November 13, 1841. (See Class B.)

Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS

AT

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

RELATING TO

THE SLAVE TRADE.

From January 1 to December 31, 1841, inclusive.

Presented to both Houses of Parliament, by Command of Her Majesty,
1842.

LONDON:

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

—
1842.

In addition to the foregoing list of emancipated slaves registered during the period set forth, there were 212 slaves landed from the Spanish brig "*Scorpião.*" at Nassau, New Providence, the survivors of whom were emancipated by a decree of the British and Spanish Mixed Court of Justice.

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 Commission established at Sierra Leone, under treaties with foreign powers for preventing the illicit traffic in slaves, during the period from the 30th day of June to the 31st day of December, 1839.

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 31st day of December, in the year of our Lord 1839.

[L. S.]

(Signed)

J. MILLER, *Acting Registrar.*

No. 2.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 9, 1840.

(Received January 14, 1841.)

MY LORD,

ON the 6th ultimo Her Majesty's Commissioners had the honour to report to your Lordship the condemnation of the Brazilian brig "*Claudina,*" for being concerned in the Slave Trade; and I now beg leave to acquaint your Lordship that that vessel was purchased at the Mixed Commission sale for 600*l.* by Lewis, or Louis Lemaignère, a Frenchman, living at Seabar, river Sherbro.

The Frenchman fitted out his purchase in this harbour, and having named her the "*Filantropico,*" placed her under the Spanish flag and embarked, from the foreigners brought here in condemned slave vessels, 12 men as a crew, and 20 men as passengers.

Her cargo was owned and shipped by Lemaignère, and consisted of the following articles only:

- 2 Chain cables.
- 2 Anchors.
- 2 Old guns, and
- 20 Tons iron ballast.

The "*Filantropico*" was commanded by Narciso Aldavó, lately master of the condemned brigantine "*Palmira,*" and cleared out here for an ostensible voyage to Havana.

For the use of the 32 persons embarked in this vessel, it appears that there were on board of this brig no less than four leaguers and fifteen casks, together holding 2700 gallons of water—a quantity with which, in my opinion, she ought not to have been allowed to leave this port; for if the voyage be estimated as one of 70 days' duration, which is more than a liberal calculation, and a gallon of water a day be allowed for each person on board, it will then appear that she has 560 gallons of water more than she ought to have.

Lemaignère is a resident at Seabar, where he has a factory, and is generally considered to be extensively engaged in the Slave Trade, in connexion with the house of Blanco and Carballo, of Havana; an opinion which has received confirmation from the fact that the funds for the present adventure were furnished by the agent, at the Gallinas, of the house alluded to, in the form of bills on a firm in London, well known to be the correspondents there of Blanco and Carballo.

In the case of the "*Eliza Davidson,*" condemned here in April of this year, Lemaignère is mentioned under the name of Louis only, as receiving goods from the notorious José Alvarez, of Gallinas, and shipping in return 60 tons of rice on board of that vessel.

This vessel went to sea yesterday morning, and there can be little doubt is destined to receive a cargo of slaves either at Seabar or the Gallinas.

The foregoing was originally drawn up as a joint despatch for the signature of my colleague, Governor Doherty, and myself, but his Excellency declined putting his name thereto, on the ground that the water was not excessively over, on my own calculation, supposing this vessel's voyage to be of 70 days' duration; and that he conceived the fault, if any, in this instance to be in the system, which admits the purchase of prize vessels by notorious slave-dealers.

In consequence of the Governor's objections I feel called upon to make some explanations in support of the correctness of my estimate of the length of the voyage hence to Cuba, as well as to show that in describing the quantity of water on board of this vessel as in excess, and such as she ought not to have been allowed to carry hence, I have not laboured to make out a case, but have been strictly governed by established precedent and a correct view of the law upon this point.

In estimating that 70 days would be a long voyage hence to Cuba, I have been influenced by the knowledge of the fact, that vessels conveying troops from this colony to the Bahamas, or some other of the windward islands, have made the passage in from 16 to 30 days; and that the remaining 40 days would of course afford more time than could be required by any vessel to proceed from the Bahamas to Cuba. The estimate is therefore, I submit, my Lord, a reasonable and liberal one.

Respecting the excess of water on board of this vessel, I beg to remark, that the Spanish Treaty, as well as the Act of Parliament for carrying that Treaty into effect, distinctly state that neither Spanish nor English vessels shall carry a larger quantity of water than is requisite for the consumption of the crew of the vessel as a merchant vessel; and if ever there was an instance where the letter and spirit of the law should have been strictly acted up to, it was apparently in the case of this vessel, every party connected with it being concerned in the Slave Trade.

In calculating the quantity of water which this vessel should have carried, the full allowance of a gallon per diem was given to every person on board, whether as crew or as passengers, and that for a long voyage to Cuba; when there appeared to have been embarked 560 gallons beyond what was absolutely necessary. Such a quantity of water must be, I think, considered as in excess, and as affording reasonable grounds of suspicion as to the intentions of the parties shipping it, whilst it certainly forms a strong *prima facie* case of unlawful equipment against this vessel.

In a late case condemned in the British and Spanish Mixed Court in this colony, the schooner "*Carolina*," the chief ground of condemnation was having casks on board capable of receiving 540 gallons of water more than what a sufficient crew for that vessel, as a merchant vessel, were considered to require; and as Governor Doherty acted as my colleague at the adjudication of the "*Carolina*," and fully coincided with the opinions which fell from the Court on that occasion, I have considered it necessary thus far to trespass on your Lordship's time in the way of explanation.

I have, &c.

(Signed) WALTER W. LEWIS.

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

December 3, 1840.

P. S.—Commander Denman, of Her Majesty's sloop "*Wanderer*," who lately came in from the neighbourhood of the Gallinas, reports that the owner of the "*Filantropico*" had succeeded in embarking a cargo of slaves at the Seabar, with whom the vessel got clear from the coast.

W. W. LEWIS.

No. 3.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 16, 1841.

I HEREWITH transmit to you an Extract from a Despatch from the Governor of Sierra Leone to Her Majesty's Secretary of State for the Colonial Department, upon the subject of the condition of the liberated Africans in that colony.

I have to draw your attention to the opinion of the Governor of Sierra Leone, that it is desirable that the liberated Africans should be employed by the Mixed Commission Court; and I have to instruct you to employ liberated

Africans accordingly, as messengers, servants, clerks, or otherwise, wherever you can make their services available.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 3.

Extract from a Despatch from Governor Doherty to Lord John Russell, dated Sierra Leone, October 3, 1840.

“THE defective superintendence of the department, and the several evils and inconveniences which I brought two years ago to the notice of Lord Glenelg, in my Despatches of the 23rd and 24th of September, 1838, Nos. 65 and 66, are now I trust about to be remedied, in so far as the general difficulty of procuring the services of intelligent and efficient officers will permit, by the adoption of those arrangements which I had then the honour to recommend, and which were authorized by your Lordship's Despatch of the 24th of December last, No. 13. The transfer to the Commissariat Department of the cash, store, and provisioning branches, was effected at the commencement of the last quarter, and at the same time two of the writers of the establishment were placed under the direction of the commissariat officer. The office of chief clerk I have for the present discontinued, having transferred Mr. Jones, who filled that situation, to the management of the Mountain district, and thus there now remains under the acting assistant superintendent only one writer. These changes, with the appointment of an inspector of schools, which took place on the arrival of your Lordship's instructions, form the whole of the new arrangements for the present; but they are so far provisional merely, that the services of the chief writer in the department cannot of course be finally dispensed with. With respect to your Lordship's suggestion for discontinuing one of the two clerks now placed under the Commissariat, a further experience of the extra duties now devolved upon that department will be requisite before the practicability of the measure can be ascertained; but upon this subject, as well as the general working of the new system, and the improvements which it may be possible to introduce into the system of apprenticeship, I shall probably be enabled to report fully towards the close of the year.

“In regard to the liberated people, the favourable opinion which I had occasion to express two years ago, in the Despatches to which I refer, remains unchanged, and has been confirmed since that time after three years' acquaintance with this people. I do not hesitate to pronounce them again to be upon the whole, an active and industrious, and well-disposed population. During visits which I recently made to the country districts, I witnessed many proofs of their diligence and desire of improvement. Their crops, under all their disadvantages formerly stated by me, bore a full and luxuriant appearance, and the cultivation of vegetables and other market produce, yams, cassada, tanya, or cocoa, Indian corn, and sugar-cane, was sufficient to show how abundantly these would increase if an adequate demand existed for them, and they were adequately paid for. The villagers likewise are becoming generally better clothed and dressed—a circumstance which is indeed to be ascribed to the comparative cheapness of articles of dress, occasioned by the great influx that has recently taken place of the prize goods sold at Mixed Commission Sales; but which evinces at the same time both the readiness and ability of the purchasers to avail themselves, under all the disadvantages of their position, of any means that may be presented to them of adding to their condition, and the aptitude and ability of the hawkers or native merchants, by whom those articles are bought and retailed, to turn rapidly to the best advantage opportunities as they offer of extending and increasing their commerce.

“These traders now number in Freetown and the villages not fewer than 400 persons, and they are extending their views beyond the settlement itself. During the last twelve months they have purchased and equipped two vessels for the coast trade, of which one has made three, and the other two voyages, and in these they trade as far as Lagos, in the Bight of Benin.

“If, therefore, there be any truth in the assertion so frequently made in England, that one object of British policy in founding this settlement, the civilizing of these Africans, remains unattained, the failure is not to be ascribed to the people themselves. I have to repeat my former assertions, that they have had to labour under great discouragement peculiar to their position or to the Colony. They have had no sufficient market for their produce. They have had no employment in the timber factories as labourers. They are, with rare exceptions, employed in Freetown as servants and messengers by the merchants, by officers of Government, or even in the Government offices themselves, where, as in the case of the Custom House and the Mixed Commission, these are not immediately under my own control, and I would suggest that a change of system in this particular should be recommended to both those departments of Her Majesty's Government. They have to contend with the jealousy, not certainly the honourable rivalry, of the Nova Scotians and Maroons, who regard them as an inferior and degraded caste, and haughtily oppose their admission into those parts of the town which were originally assigned to themselves. And in my opinion an error was then unwittingly committed, when those Settlers, with their American and West Indian prejudices of caste, were invited into a colony set apart for the location and improvement of persons situated as the liberated Africans are, and when lands were assigned to them around the town, to the extent, in some places, of two miles, which, with their inveterate habits of idleness and sloth, they have left unimproved; and on which, in most instances, they have felled those forest trees whose presence was both ornamental and useful, while they have allowed in their room the growth of underwood or bush, to which some part of the sickness of Freetown is undoubtedly to be ascribed.

“It is the discouragement they have encountered from these causes which has induced many of the liberated people to act upon an idea first suggested to them last year of returning to their native countries. In 1838 I reported that no disposition to revisit those countries had ever been evinced by them. About twelve months ago, however, the arrival from Trinidad of some Housia natives, who were sent hither on their return to that country, in a freight ship from England, suggested the idea to

many of the Hawkers, that they might now carry back among their countrymen the arts and improvements of Europe which they had acquired here, with the fortunes which had been amassed by them. and at the same time might trade in and from their native territories with advantages superior to those enjoyed by them in the colony. They have, therefore, as I have already reported, made the attempt, but with so little success, that a period is probably put for a time to any renewal of that enterprise."

No. 4.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 4, 1841.

I HEREWITH transmit to you four Instruments, bearing date the 20th of February, 1841, by which Her Majesty has been pleased to appoint Walter William Lewis, Esq., to be Her Majesty's Commissary Judge; and Michael Linning Melville, Esq., to be Her Majesty's Commissioner of Arbitration; and Charles Brooke Bidwell, Esq., to be Registrar to the Mixed British and Foreign Courts of Commission established at Sierra Leone under the Treaties and Conventions concluded with Spain, Portugal, the Netherlands, and Brazil, for the suppression of the Slave Trade, and pursuant to several Acts of Parliament for carrying those Treaties into effect.

At an early opportunity after the receipt of this Despatch, but before you enter upon your respective duties in the characters assigned to you in Her Majesty's Commission of Appointment, you will take in due form the oath prescribed to you by the enclosed Instruments, and by the Acts of Parliament under which you are appointed; and you will then administer to Mr. Bidwell the oath prescribed to be taken by him as Registrar.

You will announce these appointments to the foreign members of the Mixed Courts destined to act with you under the Treaties and Conventions above mentioned.

You will follow strictly the line pointed out in the Instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Sierra Leone.

Further Instructions will be transmitted to you according as it shall appear that such Instructions shall be necessary for your guidance.

I am, &c.

(Signed)

PALMERSTON.

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

No. 5.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 30, 1840.**(Received March 8, 1841.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 16th of July last, acquainting us that the Lords of Her Majesty's Treasury are of opinion that the existing method of estimating the tonnage of condemned Slave vessels, with the view to decide the amount of bounty payable thereon to the captors, ought to be adhered to; and that your Lordship had recommended to the Lords of the Treasury the issuing of instructions to the officers of Her Majesty's Customs at this port, to admeasure such vessels, in conformity with the provisions of the Act 1st and 2nd Victoria, cap. 47, sect. 3.

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, November 30, 1840.**(Received March 8, 1841.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of August last, acquainting us that the Lords of Her Majesty's Treasury had given directions that the principal officer of Customs at this port should be instructed to admeasure condemned Slave vessels agreeably to the provisions of the Act 1st and 2nd Victoria, cap. 47, sec. 3. We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

No. 7.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 16, 1840.**(Received March 8, 1841.)*

MY LORD,

WE have been honoured with the receipt of your Lordship's Despatch of the 22nd of October last, desiring us to furnish to the Senior Naval Officer on the Sierra Leone Station all the information relating to the Slave Trade which we may collect in evidence, as well as from the translations of correspondence and papers produced before the Court on the trial of detained vessels.

In reply thereto we beg leave to state to your Lordship that we shall take every occasion of acting up to your Lordship's wishes; and at the same time we think it right, in justice to our predecessors and to ourselves, to explain, that we have never lost an opportunity of imparting to the Naval Officers generally, either in writing or verbally, everything which we thought calculated to further the object of suppressing the Slave Traffic. This we have, of course, done equally from a sense of duty as Her Majesty's Commissioners as from our personal disposition to aid in the accomplishment of an object which the friends of humanity have so much at heart.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

No. 8.

*Her Majesty's Arbitrator to Viscount Palmerston.**Sierra Leone, December 17, 1840.**(Received March 8, 1841.)*

MY LORD,

I HAVE the honour to report to your Lordship that Sir John Jeremie, who has lately been appointed by Her most gracious Majesty to relieve Colonel Doherty in the administration of the government of Sierra Leone, arrived in this port last evening. His Excellency disembarked this morning, and having been sworn in as governor, immediately afterwards took the usual oath of office as her Majesty's acting Commissioner in the several Mixed Courts esta-

blished in this colony, and the business before the same was continued without interruption.

(Signed) I have, &c.
WALTER W. LEWIS.

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

No. 9.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.

(Received April 13, 1841.)

MY LORD,

HEREWITH we have the honour to hand to your Lordship the half-yearly list of Slaves emancipated and registered by the Mixed Commissions at this station.

During this period the Spanish schooner "*Reglano*" was the only vessel which came before us with negroes on board, from which there were 348 slaves emancipated, all of whom were registered here except one man, who died previous to his description being taken.

(Signed) We have, &c.
JOHN JEREMIE.
WALTER W. LEWIS.

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

Enclosure in No. 9.

ABSTRACT.

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	Remarks.
Reglano	347	1	348	

Mem.—Number registered up to the 30th June, 1840 51,524
Number registered from the 1st July to the 31st December, 1840 347

51,871

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 of July to the 31st of December, 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 31st day of December, in the year of our Lord 1840.

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

No. 10.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.

(Received April 13, 1841.)

MY LORD,

WE have the honour to enclose herewith a list of all the cases adjudicated during the year 1840 in the British and Portuguese, and British and Brazilian Courts of Mixed Commission, and in the British and Spanish Mixed Court of Justice established in this colony.

No case came before the British and Netherlands Mixed Court of Justice during the period.

The number of vessels adjudicated was 29, one having been tried in the British and Portuguese Court, 20 in the British and Spanish Court, and 8 in the British and Brazilian Court; all of which proved cases of condemnation, with one exception, that of the Spanish brig "*Republicano*," the proceedings against which vessel were withdrawn at the request of the parties concerned, and by the permission of the Court, the captor being unable to prove the charge he had preferred.

Seven hundred and twenty slaves were emancipated during the year, of whom all but 3, who died before their descriptions could be taken, were registered here.

The total number of vessels adjudged by the Mixed Commissions since their establishment in this colony in June, 1819, up to the present date, is 425, of which number 22 were cases of restoration to the claimants. From the vessels so condemned there have been emancipated 59,351 slaves, 51,871 of whom only have been registered here.

Of the 29 vessels which came before the Mixed Courts during this year, 1 was the "*Republicano*," a condemned Brazilian prize, bought, fitted out under the Spanish flag, and seized in this harbour, and eventually restored by consent of the parties, as previously mentioned. The remaining 28 were respectively engaged in the Spanish and Brazilian Slave Trade, 20 vessels being employed for the island of Cuba, and 8 for the ports of Rio de Janeiro and Bahia.

Of the 20 vessels employed in the Cuba trade, 15 sailed from the port of Havana, 4 only of which bore the flag of Spain, whilst 4 carried that of Portugal, and 7 the colours of the United States. Of the remaining 5 in the Cuba trade, 2 sailed under Spanish colours from St. Jago de Cuba, 1 from Matanzas, and 2 from the port of Cadiz, with the same flag.

Five of the 8 vessels engaged in the Brazilian Slave Trade sailed from Rio de Janeiro, 2 only of which carried the imperial flag, whilst 2 bore the colours of Portugal, and 1 those of Montevideo. The remaining 3 of the 8 sailed from Bahia, and were Brazilian vessels.

The destinations on this coast of the 20 vessels in the Cuba Slave Trade were, 11 for the ports lying between Sierra Leone and Cape Palmas, 4 to the Bight of Benin, and 5 to the Bight of Biafra.

The 8 vessels in the Brazilian Slave Trade were, when seized, proceeding as follows: 4 to the Bight of Benin, 1 to the river Gaboon, and 3 to the slaving-ports south of the Equator.

From these facts we think it will appera, that the opinion lately published that the Slave Trade in the Bights of Benin and Biafra had been withdrawn to the Portuguese settlements south of the Equator, and that lawful commerce is now carried on in its place, is unfortunately ill-founded. For of the 28 vessels seized and condemned by this Mixed Commission we observe that no less than 13 of them were destined for the ports in the Bights, whilst only 3 seizures have been effected to the southward of the Equator.

Any check which the Slave Trade generally in the Bights may have received the British cruizers deserve a great deal, if not the whole credit of; whilst they are certainly fairly entitled to the entire merit of the reduction which that trade has suffered at Lagos and Whydah, where lawful commerce is almost unknown. During this year 3 vessels have visited those places from this colony, laden chiefly with prize-goods adapted to those markets, and each returned hither with scarce anything on board but specie, which with slaves form the staples of those ports.

To the southward of the Equator, although the seizures have not been so numerous as might have been hoped for from the very vigilant cruising which has prevailed there for some months past, still we have lately received satisfactory accounts from that quarter of the result of the exertions of the squadron.

On the 15th of this month it appears the notorious slaving port of Ambriz had then been under blockade for three months, during which time the trade could not be carried on; and one of the consequences of this system has been to cause the slaves collected in the "barracoons" there to amount to 2000. This very large number of negroes is therefore now being idly maintained at a ruinous cost to their owners.

Besides the 3 vessels seized to the southward of the Line and sent hither for trial, there had also been some detentions under the Portuguese flag, which vessels had gone for adjudication to the Vice-Admiralty Courts at St. Helena or the Cape of Good Hope.

The Slave Trade has, we hear also, received a decided check, for a time at least, at the island of Corisco, in the mouth of the river Danger, by the destruction of the slave factories on that island, in consequence of the foreigners concerned in them having made a most unwarrantable hostile attack on the boats of Her Majesty's sloop "Wolverine," when they were quietly entering that river on duty.

With respect to the state of the Slave Trade from the southern boundary of this colony to Sesters, we are enabled to lay before your Lordship some important particulars, through the kindness of the commander of Her Majesty's sloop "Wanderer," the Honourable Joseph Denman, who has charge of the small squadron kept on the Sierra Leone Station. The strict blockade which this active and zealous officer has maintained along that part of the coast above mentioned since the month of May last, enables him to afford an exact account of the number of vessels engaged in the traffic, and the results of their voyages.

From Commander Denman's communication, we learn that in the eight months during which he has thus blockaded the Gallinas and its neighbourhood, 21 vessels came thither to carry off human cargoes, of which number only 5 had escaped. These 5 vessels, however, took away 1560 slaves. Of the remainder, 15 had been captured by British cruisers, 2 of which were condemned in the Vice-Admiralty Court here, and 11 in the Mixed Commission Courts, and 2 are yet for trial in the latter Courts. The remaining vessel of the 21, the "Courtenay," after having been chased off the coast by the "Wanderer," was brought by the crew into this port, where they denounced her to the authorities as a Spanish slave-trader, and she was subsequently seized for being found illegally equipped in British waters, and prosecuted to condemnation in the Vice-Admiralty Court. Upwards of three-fourths of the vessels employed in the Slave Trade of the Gallinas and its neighbourhood for the last eight months have therefore been lost to those engaged in it, and must, we hope, have created for them ruinous losses.

Great, however, as the good effects of this blockading system may appear, we have yet to communicate to your Lordship what we consider a much more important feature in the history of the Gallinas Slave Trade, which is the total destruction of the 8 slave-factories established there, and the emancipation of 841 slaves, who were on that occasion given up by the native King Seacca to Captain Denman, and by him conveyed to this colony and placed in the hands of the government. It is stated that the foreign slave-dealers at the Gallinas lost on this occasion a very large amount of property, variously estimated between 100,000*l.* and 500,000*l.* sterling, as well as their claims on the natives for no less than 13,000 slaves, the price of whom they had advanced from time to time in the course of trade. These measures of hostility towards the slave-dealers were, as we are informed, conducted by the native chiefs, between whom and the slave-dealers, we think, there is now so serious a feud established as to render impossible, at least for a considerable time to come, the re-establishment there of slave-factories. And if, in the mean while, the Sierra Leone squadron shall be enabled to continue its effective blockade of this part of the coast, and thus keep the natives from the temptations of the Slave Trade for such a length of time that, their acquired wants being unsupplied, they may be stimulated to exertions for the establishment of legitimate trade, the result must be, we anticipate, pleasing to the friends of humanity and beneficial to Africa.

The panic which the destruction of this stronghold of slavery has created is very great; and the foreigners have quitted the Gallinas in the greatest alarm, in the belief that their lives were no longer safe there from the ill disposition manifested by the natives.

We earnestly hope, that the good thus effected will be followed up in that manner which will secure for the cause of Africa all the advantages which prompt and judicious measures would obtain; and that we may not now be doomed to witness the revival of the odious traffic at the Gallinas, as was the case in the river Sherbro, after the total destruction of the trade there in the years 1825 and 1826, by the late lamented Governor Turner; when the re-establishment there of that trade might, by a comparatively small and well-applied expenditure, have been prevented, thereby giving to Sierra Leone for

lawful trade one of the most fertile districts on this part of the coast, and which trade would, by this time, no doubt, have increased to an amount of considerable importance.

Captain Denman was also so obliging as to place in our hands some Spanish letters and books which had fallen into his possession at the time of the destruction of the Gallinas factories, from which we learned that at Dombocorrow, the establishment belonging to the firm of Pedro Martinez and Company, and which was lately conducted by Pablo Alvarez, the number of slaves purchased between the 1st of August, 1839, and 19th of October, 1840 (fourteen and a half months), was 1465, giving a yearly average of 1212; and that the number of slaves shipped in that period was 1710, part of that amount being on freight for the account of Louis Lemaignère of Seabar and others. The tone of several of these letters from the Gallinas to the Havana, dated in September and October last, is most desponding; the writers declare that their prospects have been nearly ruined by the vigilance of the British squadron. The subsequent measures previously referred to have, we hope, had the effect of putting a final stop to the Gallinas Slave Trade, which, from the papers and information furnished to us by Commander Denman, may be fairly estimated at between 9000 and 10,000 slaves annually.

In addition to the slaves emancipated at the Gallinas through the influence of Commander Denman, there have likewise arrived here 104 slaves from the Factory of Theodore Canot at New Sesters, who was induced to grant the freedom of these persons at the instance of the Commander of Her Majesty's brigantine "Termagant," Lieutenant Seagram, which cruizer has lately been engaged in the blockade of that part of the coast. Lieutenant Seagram's activity on the occasion we cannot but consider extremely commendable. It has had the immediate effect of inducing Canot to promise to renounce the Slave Trade; and thus depriving the still more notorious Pedro Blanco of one of his most active, vigilant, and courageous agents.

Respecting the Slave Trade in the rivers between this colony and the Gambia, we are enabled to offer some remarks from the communications of our old and obliging correspondent residing to windward.

That gentleman informs us that the Rio Nunez has not been visited for three years by a slave-vessel, but has nevertheless suffered from the influence of a very active Slave Trade carried on at Bissão, whence agents are despatched to the Nunez to collect slaves, whom they send round to Bissão by every convenient opportunity. The notorious Cayetano Nozzolini (Kyetan) of Bissão has had his full share in this traffic, and employed in the Nunez at one time two European agents, besides the coloured people in his service, to collect slaves.

The estimated annual export of slaves, chiefly to Cuba, from Bissão is upwards of 2000.

The report which has been circulated to windward of the intention of Her Majesty's Government to reoccupy the British island of Bulama, has struck terror into all connected with the Slave Trade of Bissão and Cacheo, and created bright prospects of success for those engaged in the prosecution of lawful commerce in that quarter.

We sincerely hope that the unfounded claim of the Portuguese Government to this Island, urged, it is alleged, through the influence and for the benefit of those engaged in the odious traffic in slaves carried on at the Portuguese settlements, will have by this time been disposed of, and that British merchants may find themselves at liberty to establish factories on that Island, to carry on a peaceable commerce with the natives.

During the present year it appears that the Rio Pongas has been visited by fewer slaving-vessels than for many years past; not, however, from any falling off in the activity of the foreigners engaged in that traffic, but from the fact of several of their vessels having been, within the last two years, exposed to the ill-treatment of the slaves of the late King of the river, Mungo Yangay, who on his demise declared their independence, and have since set at defiance all the authorities of the place. These negroes, on the arrival of a slave-vessel, have been in the habit of possessing themselves of the cargo, for which very liberal promises of early payment of the full value were at once tendered; but, after a delay of many months, the slavers have been obliged to depart with only a third, or perhaps a fourth, of the return cargo which had been agreed

SIERRA LEONE. (General.)

Enclosure in No. 10. 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, 1840.

No. of Cases adjudicated between June, 1819, and 31st Dec. 1840.	No. of Vessels liberated between June, 1819, and 31st Dec. 1840.	No. of Cases adjudged and 31st Dec. 1840.	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 and Emancipated and Registered.	REMARKS.
397	21	1	Spanish.	Eagle	Brigantine	Condemned				Emancipated at Sierra Leone, but not registered, between June, 1819, and 1st January, 1840 Died subsequent to emancipation, but before their descriptions could be taken to be registered, between 1st January and 31st December, 1840 Total 7,660 Total of slaves emancipated and registered here between June, 1819, and 1st January, 1840 51,154 Total of slaves emancipated and not registered here, between June, 1819, and 1st January, 1840, for reasons assigned in previous return 7,657 Total of slaves emancipated between 1st January and 31st December, 1840 720 Grand total of slaves emancipated at Sierra Leone between June, 1819, and 31st December, 1840 59,531 Of which number there has not been registered here, as appears by the foregoing remarks 7,660 Grand total number registered here up to this day 51,871 <i>a</i> One man died after emancipation, but before his description could be taken to be registered. <i>b</i> Two men died after emancipation, but before their descriptions could be taken to be registered.
398	..	2	1	Laura	Schooner	"				
399	..	3	2	Lark	"	"				
400	..	4	3	Asp	"	"				
401	..	5	4	Eliza Davidson	Brig	"				
402	..	6	5	Octavia	Schooner	"	2	2	2	
403	..	7	6	Sao Paolo de Loando	"	"				
404	..	8	7	Maria Rosario	"	"				
405	22	9	8	Republicano	Brig	(Casewithdrawn)				
406	..	10	9	Plant	"	Condemned				
407	..	11	10	Carolina	Schooner	"				
408	..	12	11	Diana	Brigantine	"				
409	..	13	12	Sirena	Schooner	"				
410	..	14	13	Palмира	Brigantine	"				
411	..	15	14	Felicidade	Schooner	"				
412	..	16	15	Veracruzano (Paquete)	"	"				
413	..	17	16	Porto Formoso	"	"				
414	..	18	17	Vanguardia	"	"				
415	..	19	18	Reglano	"	"	350	348 ^a	347	
416	..	20	19	Clara	"	"				
417	..	1	20	Olimpa	"	"	380	370 ^b	368	
418	..	1	Portuguese.	Conceicao	Brigantine	"				
419	..	2	Brazilian.	Julia	"	"				
420	..	3	1	{Santo Antonio Vic- torioso.	Polacca	"				
421	..	4	2	Republicano	Brig	"				
422	..	5	3	Claudina	Brigantine	"				
423	..	6	4	Onze de Novembro	Brig	"				
424	..	7	5	Gratidao	Schooner	"				
425	..	8	6	Emilia	Brigantine	"				
			7				732	720	717	
			8							

Sierra Leone, 31st December, 1840.

(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.

(Signed) M. L. MELVILLE, Registrar.

No. 11.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 15, 1841.

I HEREWITH transmit to you for your information six copies of a Treaty concluded at Buenos Ayres, on the 24th May, 1839, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

The Ratifications of this Treaty were exchanged at Buenos Ayres on the 16th May, 1840.

I am, &c.
(Signed) PALMERSTON.

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

No. 12.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 22, 1841.

I HEREWITH transmit to you for your information six copies of a Convention concluded at Port au Prince, on the 23rd December, 1839, by which the Republic of Hayti has acceded to the Conventions for the Suppression of the Slave Trade, concluded between his late Majesty and the King of the French on the 30th November, 1831, and the 22nd March, 1833.

The Ratifications of this Treaty were exchanged at Port au Prince on the 20th October, 1840.

I am, &c.
(Signed) PALMERSTON.

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

No. 13.

Her Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, January 12, 1841.
(Received May 4.)

WE beg leave respectfully to refer to your Lordship's Despatch of the 8th August, 1840, acquainting us that orders would be issued by the Commissioners of the Customs to their principal officer in this port, to admeasure condemned slave-vessels agreeably to the provisions of the 1st and 2nd Victoria, cap. 47, sect. 3, and have now the honour of reporting that the Collector of the Customs here notified to us on the 1st instant, that he was in possession of the orders in question, and prepared to execute the duty required of him by the said Act of Parliament.

In consequence of this arrangement, we have done away with the temporary appointment of Admeasurer to the Courts, made under the circumstances stated in our Despatch of the 29th July, 1840, the duties required of that officer being now executed by the department of the Customs, to which, however, we pay the same fee (£3) from the proceeds of prizes for this service, as we mentioned in the Despatch alluded to had been granted to the acting Admeasurer.

We have, &c.
(Signed) JOHN JEREMIE,
WALTER W. LEWIS.

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

No. 14.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, January 18, 1841.**(Received May 4.)*

MY LORD,

WE have the honour of acquainting your Lordship that the two United States men-of-war, the "*Dolphin*" and the "*Grampus*," reported to your Lordship on the 20th February of last year as having arrived on this coast to cruize for the suppression of the Slave Trade as prosecuted under the flag of the States, have again returned to this coast from New York, to which port they retired during the last rainy season.

These vessels are commanded by Commander C. H. Bell, and Lieutenant-Commander Payne, the same officers who brought them to the coast last year, and who have now a similar object in view as formerly, the suppression of the Slave-traffic.

The "*Dolphin*" left this harbour on her cruize on the 14th instant, and the "*Grampus*" on the 16th.

We have, &c.

(Signed)

JOHN JEREMIE.

WALTER W. LEWIS.

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

&c.

&c.

&c.

No. 15.

*Her Majesty's Arbitrator to Viscount Palmerston.**Sierra Leone, January 22, 1841.**(Received May 4.)*

MY LORD,

I HAVE the honour of reporting to your Lordship, that the Collector of Customs has lately declined to clear out hence condemned prize-vessels purchased by foreigners, in consequence of an order issued to him by His Excellency Governor Sir John Jeremie; and as vessels which have not cleared at the Custom-house are by the local laws prevented from leaving the port, this arrangement entirely prevents foreigners of all classes from becoming the purchasers of condemned vessels.

It is to be feared that the advantages contemplated by the arrangement in question, namely, that of preventing the return of prizes to the Slave Trade, will not be secured; inasmuch as there is nothing to prevent foreigners conducting such purchases through the agency of residents here, who can then transfer the vessels to their foreign employers on getting beyond British jurisdiction.

How far this arrangement is consistent with the existing relations between England and friendly foreign powers is for your Lordship's consideration.

I have, &c.

(Signed)

WALTER W. LEWIS.

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

&c.

&c.

&c.

No. 16.

*Her Majesty's Arbitrator to Viscount Palmerston.**Sierra Leone, January 30, 1841.**(Received May 4.)*

MY LORD,

I HAVE the honour to report to your Lordship that Her Majesty's acting Commissioner, Sir John Jeremie, left Freetown on the 26th instant, on a visit to the upper parts of this river, and as the time of His Excellency's return is rather uncertain, and there are now two cases in the British and

Spanish Mixed Court, which will be ready for adjudication on Monday, the 1st February, I was led to call upon the acting Chief Justice temporarily to fill the place of His Excellency, in order that the business of the Commissions might not be delayed.

Mr. Hook, the Chief Justice *ad interim*, was accordingly sworn into office as Her Majesty's acting Commissioner this morning.

I have, &c.

(Signed)

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, January 30, 1841.

(Received May 4.)

MY LORD,

WE have the honour to report to your Lordship that Lieutenant Hill, the commander of Her Majesty's brig "Saracen," has acquainted us that he has received orders from the Lords Commissioners of the Admiralty to furnish us with a list of the Slave Trade papers issued to Her Majesty's brig under his command; and that Lieutenant Hill has accordingly furnished us with a list of the same, which we have lodged in the archives of our office.

This order from the Admiralty we suppose has been a circular one, addressed to all the naval commanders on the African station.

We have, &c.

(Signed)

WALTER W. LEWIS.
E. HOOK.

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

No. 18.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 13, 1841.

(Received May 4.)

MY LORD,

WE have the honour of acknowledging your Lordship's Despatch of the 21st December last, transmitting, for our information and guidance, copies of a correspondence which has passed between your Lordship's office and the Admiralty, respecting the commanders of Her Majesty's cruizers furnishing us with a list of the Treaties under which they have been appointed to seize vessels engaged in the Slave Trade, so as to prevent delay in the adjudication of their prizes by the Mixed British and Foreign Courts established here; and for which communication we beg leave to thank your Lordship.

In the Despatch which we had the honour of addressing to your Lordship on the 30th ultimo, we reported that the commander of Her Majesty's brig "Saracen" had forwarded to us a certified list of the Treaties under which that cruizer was entitled to make seizure of vessels employed in the Slave Trade, and which appears to have been in conformity with the arrangements agreed upon in the correspondence with the Admiralty above referred to.

We shall look for similar communications from the commanders of all Her Majesty's cruizers, as they may come into possession of the Admiralty orders upon this subject.

We have, &c.

(Signed)

WALTER W. LEWIS.
E. HOOK.

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

No. 19.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, February 13, 1841.**(Received May 4.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 16th December last, acquainting us that it had been stated to your Lordship, that an opinion prevailed 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.

Of the existence of such an opinion in this Colony as that which your Lordship has mentioned, we beg leave to state, we were in entire ignorance until the receipt of your Lordship's Despatch; and although we have used every diligence in making inquiries, we have failed in discovering any person who has ever heard of such an opinion.

The Surgeon to the Courts, who has resided in the Colony for many years, has reported to us on this subject, that "he has seldom heard of an opinion so totally opposed to facts and probabilities."

From two of the Church Missionaries who have lately resided respectively nine and twelve months at their Institution, within 300 or 400 yards of the beach on which the prizes are cut up, we have received notes expressive of their astonishment that such an opinion should have been said to prevail in the Colony; and that they had never in any way experienced inconvenience from their proximity to the scene of these operations.

The Marshal of the Court has explained to us, that the instant a prize is cut through, the two parts fall over on their sides and their lower parts fill with the sea, whereby bilge-water, and any other nuisance which might be in the hold, is instantly diluted or swept away, thus removing at once all chance of effluvia; and that in no case will a vestige of any prize be seen after fourteen days from the time of cutting up.

We would also beg to state, that the bay in which the prizes are cut up was selected with every regard to the convenience of the inhabitants of Freetown, it being more than a mile to leeward of the town; and that, had any real inconvenience resulted from the practice, or the health of the Settlement been at all affected by it, Her Majesty's Commissioners must have heard of the opinions to this effect, when it would have been their duty to have noticed the same, and submitted for your Lordship's approval such measures as appeared calculated to remedy the evil.

In conclusion we would observe, that, when Fourah Bay was selected in July 1836 as the place for cutting up prizes, it had a clear, sandy beach, which, up to the present moment, has retained its character, notwithstanding the number of prizes destroyed there, and that in our opinion there is no reason whatever to consider the report which has reached your Lordship to be well founded.

We have, &c.

(Signed)

WALTER W. LEWIS.
E. HOOK.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 20.

Viscount Palmerston to Her Majesty's Arbitrator.

SIR,

Foreign Office, May 8, 1841.

I HAVE received your Despatch of the 30th January last, reporting the steps you had taken for supplying the temporary vacancy caused in the Mixed Courts by the absence of the Acting Commissioner Jeremie from Sierra Leone: and I have the satisfaction to acquaint you that I approve the conduct you adopted on that occasion.

I am, &c.

Walter William Lewis, Esq.

(Signed)

PALMERSTON.

&c. &c. &c.

No. 21.

Lord Leveson to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 11, 1841.

WITH reference to Mr. Lewis's Despatch of the 8th September last, reporting that the Acting Judge Doherty and Acting Registrar Miller were ill, and that the Chief Justice and Mr. Bidwell had been sworn in to act respectively as Judge and as Registrar, I am directed by Viscount Palmerston to observe to you, that the Despatches from Her Majesty's Commissioners do not state the period when either Colonel Doherty or Mr. Miller resumed their duties in the Mixed Courts of Commission.

I am to desire that you will for the future be very exact in stating the dates upon which the Acting Officers of the Court discontinue and resume their duties, as precise information on these points is necessary to enable the Secretary of State to determine as to the amount of remuneration which may be due for the services in question.

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

I am, &c.
 (Signed) LEVESON.

No. 22.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 12, 1841.

I HEREWITH transmit to you a copy of a communication from Her Majesty's Commissioners at the Havana, containing their Report of the case of the Spanish schooner "*Segunda Rosario*," condemned in the Mixed Court of Justice at the Havana on a charge of Slave Trade.

I transmit to you, in original, the Papers forming Enclosure No. 4 and Enclosure No. 5 in that communication.

Enclosure No. 4 is a Paper certifying that 40 slaves were shipped on board the "*Segunda Rosario*," by Isabella Lightbourn of Rio Pongo, and the whole of that Paper, including the signature, appears to be in one and the same handwriting, and purports to be signed by "*Isabella Lightbourn*:" but the whole of Enclosure No. 5, including the signature, is evidently in the same handwriting as Enclosure No. 4, and yet it purports to be signed by "*B. Campbell*," calling himself a British merchant.

It appears therefore probable that this Mr. Campbell may have been implicated in this Slave Trade transaction; and I have to desire that you will make inquiries into this case, and that you will endeavour to find out, and will report to me, what share, if any, the said Mr. Campbell has in Mrs. Lightbourn's slave-dealings.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosures in No. 22.

Havana Commissioners' Despatch of February 26, 1841, and original Papers enclosed.

(See No. 146.)

No. 23.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 17, 1841.

I HAVE received your Despatch of the 13th of February last, in reply to my Despatch of the 16th of December, 1840, respecting an opinion which had been expressed, that the health of the settlement at Sierra Leone is

CLASS A.

affected by the effluvia which proceeds from the fragments of condemned slave-ships, broken up according to the present practice, and sometimes lying for a considerable time exposed to the action of the sun.

The statement in your above-mentioned Despatch is very satisfactory, and contains a sufficient answer to the report which had prevailed upon this subject.

I observe you mention in your Despatch that after fourteen days from the time of cutting up a condemned vessel no vestige of her is to be seen on the beach; and I should be glad to know whether you mean that the wreck is swept away by the sea, or that the timbers are carried off by the neighbouring inhabitants.

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

No. 24.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, February 17, 1841.

MY LORD,

(*Received May 21.*)

REFERRING to the Despatch which I had the honour of addressing to your Lordship on the 30th ultimo, reporting the absence from the colony of Her Majesty's Acting Commissioner, Sir John Jeremie, and that the Chief Justice *ad interim* had temporarily assumed the place of His Excellency in the Mixed Courts, I now beg leave to acquaint your Lordship that His Excellency returned to the colony on Sunday the 14th instant, and resumed his office of Acting Commissioner on the following day.

I have, &c.
 (Signed) WALTER W. LEWIS.
 The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

No. 25.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 24, 1841.

I HEREWITH transmit to you, for your information and guidance, a Copy of a letter which, by my directions, has been addressed to the Secretary to the Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade.

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

Enclosure in No. 25.

Lord Leveson to the Secretary to the Admiralty.

SIR,

Foreign Office, May 18, 1841.

I HAVE laid before Viscount Palmerston your letter of the 3rd instant, enclosing copies of the instructions which have been given to the Commanding Officers of Her Majesty's cruisers "to abstain from capturing American vessels engaged in Slave Trade." And I am to request that you will state to the Lords Commissioners of the Admiralty, that Lord Palmerston is of opinion that, where there is good reason to suspect that a vessel met with by Her Majesty's cruisers may not be American, and may be engaged in Slave Trade, the mere fact that she hoists an American flag ought not to protect such vessel from being boarded, for the purpose of examining her papers; and that, if such vessels shall be found to have on board American papers which are evidently irregular and imperfect, or if, having regular American papers on board, she shall also have papers of another country, which has conceded to Great Britain the right of search, such vessel ought, in either of those cases, to be searched; and vessels so circumstanced, if upon search they are found to be equipped for Slave Trade, or to have slaves on board, ought to be detained, and to be sent in for adjudication to the proper tribunal, according to the nature of the case—that is to say, if the vessel so detained shall not have papers sufficiently regular to entitle her to claim the protection of the flag of any nation, she should be sent to a British Court of Admiralty or Vice-Admiralty, under the provisions of the Act of the 2nd and 3rd Vic., cap. 73; and if she should have papers proving her to be entitled to the protection of the flag of any country which has conceded to Great Britain the mutual right of search, she

should be dealt with in the manner prescribed by the Treaty concluded between Great Britain and that country.

I am to add, for the information of the Lords of the Admiralty, that Her Majesty's Advocate-General concurs in opinion with Lord Palmerston upon these points.

The Secretary to the Admiralty.

I am, &c.
(Signed) LEVESON.

No. 26.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 26, 1841.

WITH reference to Mr. Lewis's Despatch of the 22nd January, 1841, respecting an order issued by Governor Jeremie, prohibiting condemned prize-vessels, purchased by foreigners, from being cleared out from Sierra Leone, I herewith transmit to you, for your information, a Copy of a communication from the Colonial Office upon this subject.

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

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 26.

Mr. Vernon Smith to Lord Leveson.

MY LORD,

Downing Street, 17th May, 1841.

HAVING laid before Lord John Russell your letter of the 11th instant, with the Copy therein enclosed of a Despatch from Mr. Lewis, Her Majesty's Chief Commissioner at Sierra Leone, on the subject of the order which has been given by the Governor to the Collector of Customs there to refuse clearances to condemned prize-vessels purchased by foreigners, I am directed to request that you will refer Viscount Palmerston to the Report of the Law Officers of the Crown upon that question, of which I transmitted to you a copy in my letter of the 28th ultimo, and that you will state to his Lordship that a copy of that Report has been transmitted to the Governor, for his information and guidance.

Lord Leveson.

I am, &c.
(Signed) R. VERNON SMITH.

Memorandum.

Substance of the Communication referred to in the preceding Letter.

THE LAW OFFICERS were asked whether the Governor of Sierra Leone was justified in instructing the Collector of Customs to refuse clearances to vessels circumstanced as was the schooner "*Aigle*."

They reported their opinion, that the Collector would be justified in refusing a clearance to a vessel which, within the words of any Treaty with Foreign Powers, shall be deemed to be fitted up for the Slave Trade; but that the existence of any circumstance which would not bring a ship within that description, although such circumstance might give rise to a suspicion of an intention to use her for that traffic, would not justify the Collector in refusing a clearance. As regards the particular case of "*L'Aigle*," which appears to have been no otherwise fitted up for the Slave Trade than as she was sold under the sentence of condemnation, they said that they were of opinion that the circumstances stated were not sufficient to justify the refusal of a clearance.

No. 27.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 8, 1841.

MY LORD,

(Received May 29.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 16th January last, transmitting to us a Copy of an extract from a Despatch from Colonel Doherty, the late Governor of Sierra Leone, to Her Majesty's Secretary of State for the Colonial Department, upon the condition of the liberated Africans in this Colony, and conveying your Lordship's instructions that persons of that class should be employed in the Mixed Commissions, either as messengers, servants, clerks, or otherwise, wherever their services can be made available.

In obedience to your Lordship's directions, we have issued the necessary directions for liberated Africans being so employed, whenever vacancies occur amongst the persons now engaged.

In so doing, we consider it is but justice to those who have preceded us in the Commissions as well as to ourselves, that we should offer some explanation of the practice which has hitherto prevailed.

We will, therefore, with your Lordship's permission, state how the several appointments at the disposal of the Commissioners have been and are now filled up.

Since the practice has been discontinued of appointing European clerks to the Registry Office, the Commissioners have selected the most competent coloured persons they could obtain for the three clerkships therein, and at the present moment those situations are respectively filled by the descendants of a Nova Scotian, a Maroon, and an American settler. With this arrangement Colonel Doherty was well acquainted, and also that it is the best which could be made with any regard to the efficiency of the department. Among the liberated Africans there is no person to be found sufficiently educated to fill the office of a clerk, with the exception of one or two lads who have been educated in England, and who are otherwise engaged. That Colonel Doherty had not found any of the liberated Africans suited to the office of clerk, is to be inferred from the fact that there is not in any of the Colonial Offices—not even in the Liberated African Department itself—one of this class so employed. Nor does it appear from the extract of his Despatch, that he suggested their being employed as clerks.

The messenger of the Mixed Commissions, who has filled the place for years past, is a liberated African, as the majority of his predecessors have been.

The two housekeepers at the Registry and the Commissioners' Offices are Kroomen, who have each of them been employed under the Commissions for more than ten years past.

Twelve years ago half a dozen healthy liberated Africans were selected for the purpose of being trained as a boat's crew for the Mixed Commissions, and after infinite trouble to the registrar they became somewhat useful, and then, feeling themselves competent, one by one they deserted us, and engaged in colonial crafts, in fishing-boats and otherwise, where a larger remuneration awaited their less regular and constant labours.

A second attempt to establish a liberated African boat's crew was subsequently made by Mr. Lewis, when registrar, by hiring such persons from the fishing-boats; but this proved equally unsuccessful with the previous one, though higher wages were offered to them than is given to the crew of Timmanee men, who have been employed since that time.

The Timmanees, it is to be observed, my Lord, are the aborigines of the Colony, and as such would seem deserving of some if not equal consideration with the liberated Africans.

The situations to which we have now referred form the whole of those to which the Commissioners appoint, and all that liberated Africans could be presumed to be capable of filling.

The means of suitably educating the liberated Africans for clerkships do not exist in this Colony, and there are but very few indeed of the elders of this class who are yet in a condition to send their children to schools in England, which seems to furnish a better reason why these people are not so engaged, than Colonel Doherty's impression as to the indisposition of Government Officers to patronise them.

We think it is right to explain to your Lordship, that as regards in-door servants, inquiry would establish the contrary of what Colonel Doherty has stated on this subject. For of that class generally in the Colony, we are of opinion that the far greater portion are liberated Africans, and the remainder chiefly descendants of the aborigines, or children of the tribes surrounding the Colony; and certainly, among the gentlemen connected with the Commissions, nearly the whole of their servants will be found to be liberated Africans.

In conclusion, we would beg to add, that a principal cause why liberated Africans are not even more generally employed as servants and in other capacities, is to be found in their extraordinary love of trading (a kind of life requiring no great exertion), which induces them the moment they have accumulated a few dollars in any situation they may hold to quit that employment and become hawkers, and also in the indisposition of the rising generation to engage in any menial capacity.

We have been thus particular, in order that your Lordship should be in

possession of a correct view of the question, and that those holding offices in this Colony under your Lordship should be relieved of what, we hope, will appear to have been unmerited reflection.

We have, &c.

(Signed)

J. JEREMIE.

WALTER W. LEWIS.

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

No. 28.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, April 8th, 1841.

(*Received June 16th.*)

MY LORD,

ON the 6th instant there were three slave-vessels before the Mixed Courts awaiting adjudication, two of which had been somewhat delayed by the illness of which I was then convalescent, when I had the misfortune to find my colleague, Governor Sir John Jeremie, confined by fever. Under these circumstances, I felt it necessary to call upon Mr. Acting Chief-Justice Hook to take the place of the Governor until his recovery; and Mr. Hook accordingly assumed the office of an Acting Commissioner, and assisted on the 6th instant in the adjudication of the three slave-vessels above alluded to, all of which proved cases of condemnation.

I have, &c.

(Signed)

WALTER W. LEWIS.

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

No. 29.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 15, 1841.

(*Received June 16.*)

MY LORD,

WE have the honour herewith to enclose for your Lordship's information a printed Copy of an Act lately passed by the Board of the Governor and Council of this Colony for granting additional duties of customs, whereby a further duty of one per cent. will be hereafter levied upon the proceeds of the sale of all prize-goods and vessels condemned by the Courts of Mixed Commission, over and above the three per cent. hitherto paid.

The object with which this additional duty has been so imposed, your Lordship will learn from the enclosed Copy of the Act of the Governor and Council, is more fully to encourage innocent and useful trade among the Timmanees, a race of people settled on our north-eastern boundary, and part of whom are the aborigines of this Colony.

We have, &c.

(Signed)

WALTER W. LEWIS.

E. HOOK.

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

Enclosure in No. 29.

SIERRA LEONE.—In the Fourth Year of the Reign of Her Majesty Queen Victoria, Sir John Jeremie, Knt., Governor. At a Council held on the Twenty-ninth day of March, in the year of our Lord one thousand eight hundred and forty-one.

An Act for granting additional Duties of Customs.

WHEREAS by Treaty entered into at Port Logo on the 13th day of February in the year of our Lord 1841, between His Excellency Sir John Jeremie, Knt., Captain-General and Governor-in-Chief in and

over the Colony of Sierra Leone and its dependencies, and the Honourable Robert Hornell, the Honourable William Cole, and the Honourable William Fergusson, Members of the Board of Council of Sierra Leone, in behalf of Her Majesty the Queen of England, on the one part;—and Alimamee Dalu-Mahomadoo, chief of Medina on the Bullom shore, Naminah Lahai, Brimah Kayelle, and Brimah Luke, authorized hereunto by the Alikarlie, and assembled chiefs of the Timmanees, on behalf of the Timmanee people, on the other part;—it was, among other things, stipulated and agreed, that “still more fully to encourage innocent and useful trade among the Timmanees, the Queen of England consents to pay to the Chief of the Timmanees, for himself and the remaining Chiefs, one pound on every one hundred pounds in value of all those goods imported into the Colony of Sierra Leone, which now pay three pounds for every one hundred pounds to the use of the Colony; or such a per centage on the said goods as would, on an average of the last three years, produce one thousand pounds a-year, which rate per cent. shall not (when ascertained by the Collector of Customs) hereafter be varied.”

And whereas it is necessary that provision should be made for carrying the said stipulation into effect.

Be it therefore enacted by the Governor and Council, that from and after the passing of this Act there shall be raised, levied, collected, and paid in the said Colony of Sierra Leone, unto Her Majesty, her heirs and successors, an additional duty of one per cent. upon all goods, wares, and merchandize now paying the three per cent. duty as by law already established, which said additional duty shall be disposed of in the manner set forth in the said Treaty.

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 21, 1841.

(Received June 21.)

MY LORD,

WE have the honour to enclose herewith, for your Lordship's information, an extract of a letter lately received from our old correspondent to windward on the state of the Slave Trade, as carried on between this colony and the British settlements on the Gambia, and at the French settlements of Goree and Senegal.

From the general correctness of our informant's reports hitherto, we are led to attach such importance to his present communication as to be induced to lay the extract of the same before your Lordship.

We have also communicated to the Officer commanding on the Sierra Leone station that portion of our correspondent's letter which relates to the Slave Trade of the Rio Nunez and Rio Pongos, of Bissão, and of the French settlements up the Cazamança, as well as that the slaves are conveyed in bodies from the latter place to Senegal, where they are disposed of at public auction; their purchasers receiving them as apprentices for 14 or 21 years.

It may be apprehended that these collections of negroes in Senegal, where we believe their services are not needed, is in some way connected with supplying the labour-market of one or other of the French West Indian colonies.

The injury which this active state of the Slave Trade is likely to inflict upon the lately increasing lawful commerce carried on to windward of this colony, will be readily comprehended.

We have, &c.

(Signed)

WALTER W. LEWIS.
E. HOOK.

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

&c.

&c.

&c.

Enclosure in No. 30.

Extract of a Letter addressed to Mr. Lewis.

— April 7, 1841.

RELATIVE to Slave Trade matters in this neighbourhood, the breaking up of the Spanish factories at the Gallinas appears likely to increase the traffic at Bissão and the Rio Pongas. We hear of frequent arrivals and departures of slave-vessels from the former place; and in the Rio Pongas two vessels have lately arrived for slaves, and a third, a vessel from the Canaries, touched there on her way to Sierra Leone, whither it is said she is gone to purchase goods, and return to the Pongas with those goods to purchase slaves.

I must inform you that the French are by no means rigidly adhering to their Slave-Trade Treaty engagements with Great Britain. It has frequently come under my observation that the French traders purchase slaves and ship them off two or three at a time to Goree and Senegal by the numerous small colonial vessels which visit the Rio Nunez; and I have long been acquainted with the fact, derived from information received from the French traders of Goree and Senegal, that large numbers of slaves are annually purchased in Senegal from the interior traders by all classes of the

inhabitants of that place; that after being purchased they are carried before some government authority, registered, and indentures of apprenticeship made out for 14 and 21 years. But this I fear is but a blind, for I have never yet met with a black man from the French settlements who was not a slave to some one there, excepting some few, who by their good fortune and good conduct have been employed by the merchants of Sierra Leone and the Gambia, and saved sufficient of their earnings to purchase their freedom: this accomplished, they return to their families and connexions in the French settlements, and I have reason to believe their personal freedom is then respected.

At the new French settlements in the River Cazamança the trade is carried on by a company, and this company purchase at their factories all the slaves that are offered for sale. The great dealers in slaves from the interior are the Serakoolets and the Mandingoes, and they are also the gold-traders. Now, these people, before leaving the interior for the water-side, for mutual protection in the countries they have to pass through, unite in large bodies or caravans, and, when sufficiently strong, they proceed on their journey. Of course some have gold for sale, some slaves, some ivory: now, if they can find factories where the united body can make trade for the gold, slaves, &c., they naturally give those factories the preference; and this they can do at the French factories on the Cazamança. But at the British factories in the Rio Nunez and at the Gambia they are not able to sell their slaves, therefore the caravan gets broken up, the gold-traders soon finish their trade, and are then anxious to return; but the holders of slaves sometimes remain months, waiting probably for some particular merchant they do not meet at the slave factories, or to recruit the health and strength of their unfortunate slaves, who frequently arrive from the interior in a most emaciated state, and are then unsaleable. Hence the factories of the French in the Cazamança are now flourishing, and when they have collected a sufficient number of slaves, the agent of the company in Senegal applies to the government for a vessel of war to convoy these slaves to the Senegal, which is always granted; and on the arrival of the slaves in that settlement, they are sold at public auction for the benefit of the company, and handed over to the purchasers on *apprenticeship for fourteen or twenty-one years.*"

No. 31.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, April 27, 1841.**(Received June 21.)*

MY LORD,

WITH reference to the Despatch which I had the honour of addressing to your Lordship under date of the 8th instant, reporting the illness of my then colleague, Governor Sir John Jeremie, and the arrangement which it was found necessary to make for supplying his Excellency's place in the Commissions, it now becomes my painful duty to announce to your Lordship that Sir John Jeremie, after an illness of nearly 22 days, died on the 23rd instant, universally regretted by all classes of Her Majesty's subjects here.

Under the provisions of the Charter of this colony, the Queen's Advocate, Mr. Carr, has succeeded the late Sir John Jeremie in the administration of this government; and to-day his Honour took the necessary oaths of office for qualifying him to enter upon the duties of the vacant office of Her Majesty's Commissioner *ad interim.*

I have, &c.

(Signed)

WALTER W. LEWIS.

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

&c.

&c.

&c.

No. 32.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 26, 1841.

I HAVE received your Despatch of the 16th December, 1840, suggesting that the crews of condemned slave-vessels should be held in custody at Sierra Leone until opportunities may offer for sending them to the country to which they belong, in order that they may be punished according to the laws of such country; but I have to acquaint you that your suggestion cannot legally be carried into effect, because the Treaties between Great Britain and foreign powers on Slave Trade do not authorize the imprisonment of the subjects of those powers; and therefore the persons mentioned in your Despatch could not be kept in confinement at Sierra Leone, either on shore or on board a hulk.

It is obvious, moreover, that even if such persons could legally be confined as prisoners, it would be useless to send them to the countries to which they

belong, unless they could be accompanied by such evidence as might be necessary to convict them in a court of law.

I am, &c.
(Signed) PALMERSTON.

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

No. 33.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1841.

I HEREWITH transmit to you, for your information, a copy of a letter, which, by my direction, has been addressed to the Admiralty on the subject of sending to England foreigners charged with the crime of Piracy of Slave Trade; and a copy of the answer which has been returned by the Admiralty to that communication.

I am, &c.
(Signed) PALMERSTON.

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

First Enclosure in No. 33.

Lord Leveson to Sir J. Barrow.

SIR,

Foreign Office, July 22, 1841.

WITH reference to the several communications which have been addressed from the Admiralty to this office within the last two or three years, reporting instances in which individuals of foreign countries, charged with the crime of Piracy of Slave Trade, have been sent to England by commanding officers of Her Majesty's navy, with a view that such individuals should be brought to trial for the crime they may have committed;—I am directed by Viscount Palmerston to request that you will suggest to the Lords Commissioners of the Admiralty the expediency of drawing the attention of the commanding officers of Her Majesty's cruizers to the inconvenience which is likely to arise from sending home such individuals without any other evidence than written statements of the crimes with which they are charged; and Lord Palmerston desires me to suggest, that in cases where individuals charged with crimes may thus be sent to England to be brought to justice, it would be proper to send home with them two or three individuals at least, who may be able to give verbal testimony as to the facts alleged.

I am, &c.
(Signed) LEVESON.

Second Enclosure in No. 33.

Mr. Parker to Lord Leveson.

MY LORD,

Admiralty, July 23, 1841.

HAVING laid before my Lords Commissioners of the Admiralty your Lordship's letter of the 22nd instant, suggesting that in cases where individuals of foreign countries charged with the crime of piracy, of Slave Trade, or other crimes, may be sent to England to be brought to justice, it would be proper to send home with them two or three individuals at least who may be able to give verbal testimony as to the facts alleged, I am commanded by their Lordships to acquaint you, for the information of Viscount Palmerston, that my Lords concur in the suggestion, and have given the necessary orders for the same being complied with.

Lord Leveson,
&c. &c. &c.

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

No. 34.

Her Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, June 3, 1841.
(Received July 31.)

WE had the honour on the 29th ultimo of receiving your Lordship's Despatch of the 4th of March last, transmitting to us four instruments under Her Majesty's royal signature, appointing Mr. Lewis to be Her Majesty's Commissary Judge, Mr. Melville to be Her Majesty's Commissioner of Arbitration, and Mr. Bidwell to be Registrar to the Mixed British and Foreign Courts of Commission established in this colony under the treaties and conventions concluded with Spain, Portugal, Netherlands, and Brazil, for the

suppression of the Slave Trade, and the several Acts of Parliament for carrying those treaties into effect.

On the 31st ultimo Mr. Lewis and Mr. Melville took the oaths prescribed by the above-mentioned commissions of appointment, and the Acts of Parliament, before the Acting Chief Justice, the principal Magistrate of the Colony; immediately after which the prescribed oaths of office for the Registrar were administered in due form to Mr. Bidwell.

At the present moment we have no foreign colleagues here to whom to announce these appointments.

We shall not fail to observe your Lordship's directions of following strictly the line pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State for Foreign Affairs to our predecessors in these commissions.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

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

No. 35.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 5, 1841.

I HAVE received your Despatch of the 8th of March last, respecting the employment of liberated Africans in the Mixed Commissions at Sierra Leone; and I have only to desire that you will keep in mind my former instructions to you upon this subject, and that you will employ liberated Africans as messengers, as clerks, or otherwise, whenever you can find any of them fit for such situations and employments.

I am, &c.

(Signed)

PALMERSTON.

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

No. 36.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 3, 1841.

I HAVE to acquaint you that the Queen has been pleased to confer the seals of the office of Her Majesty's Principal Secretary of State for Foreign Affairs on the Earl of Aberdeen; and I have to instruct you henceforth to address your despatches and letters on public business to his Lordship.

I am, &c.

(Signed)

PALMERSTON.

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

No. 37.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 30, 1841.

(Received September 20.)

MY LORD,

HEREWITH we have the honour to hand to your Lordship the half-yearly list of Slaves emancipated and registered by the Mixed Commissions at this station, between the 1st of January and the 30th of June, 1841.

The number of slaves so emancipated and registered during that period was 290.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

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

CLASS A.

Enclosure in No. 37.

ABSTRACT.

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	Remarks.
Josephina . . .	290		290	

Mem.—Number registered up to the 31st December, 1840 51,871
 Number registered from the 1st January to the 30th June, 1841 290
 52,161

(Signed) C. J. BIDWELL, *Registrar.*

THESE are to certify that the foregoing is a true and correct copy of the original list of slaves registered and emancipated by the Courts of Mixed Commission 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, 1841.

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 1841.

[L.S.]

(Signed) C. J. BIDWELL, *Registrar.*

No. 38.

Her Majesty's Judge to Viscount Palmerston.

Sierra Leone, July 5, 1841.

(Received September 20)

MY LORD,

I HAVE had the honour of receiving your Lordship's Despatch of the 8th of May, approving of the steps I took in January last for supplying the temporary vacancy in the Mixed Courts, caused by the absence up the river of the Acting Commissioner, the late Sir John Jeremie; and beg to thank your Lordship for this communication.

I have, &c.

(Signed) WALTER W. LEWIS.

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

No. 39.

Her Majesty's Commissioners to Lord Leveson.

Sierra Leone, July 5, 1841.

(Received September 20.)

MY LORD,

WE had the honour on the 3rd instant to receive your Lordship's Despatch of the 11th of May last, in which, with reference to Mr. Lewis's Despatch of the 8th September, 1840, reporting that the Acting Commissioner Doherty and the Acting Registrar Miller were ill, your Lordship observes that the periods when either Colonel Doherty or Mr. Miller resumed their duties is not stated.

We now beg leave to acquaint your Lordship, for the information of Viscount Palmerston, that, upon the occasion above alluded to, the Chief Justice was sworn in on the 8th of September, 1840, and Colonel Doherty resumed his duties on the 15th of September following. Mr. Bidwell acted as Registrar from the 8th to the 10th September, when Mr. Miller was sufficiently recovered to be able again to attend to his office.

We will carefully observe your Lordship's instructions in communicating in all future cases the exact periods at which the acting officers may discontinue and resume their duties.

We have, &c.

(Signed) WALTER W. LEWIS.
 M. L. MELVILLE.

Lord Leveson,
 &c. &c. &c.

(Extract.)

No. 40.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 5, 1841.**(Received September 20.)*

WE have had the honour to receive your Lordship's Despatch of the 12th of May last, transmitting to us copy of a communication from Her Majesty's Commissioners at Havana on the subject of the condemnation of the Spanish slave schooner "*Segunda Rosario*," as also the original papers, numbered 4 and 5, enclosed in that communication, and which were found on board that vessel at the time of her detention by Her Majesty's ship "*Cleopatra*." No. 4 being a certificate by Isabella Lightbourn of the Rio Pongas, that 40 slaves had been shipped by her on board the "*Segunda Rosario*;" and No. 5 a certificate of freedom granted to a man named "John Boson," who had shipped as cook on board that slave-vessel, and which last document purports to have been written and signed by Benjamin Campbell, a British merchant, of the *Rio Pongas*.

Your Lordship most justly observes that those two original papers bear the appearance of having been both written by the same person, and under the same circumstances; the water-marks and dates of the paper, as well as the ink, being precisely similar.

On a careful comparison, however, of these documents with others written by Mr. Benjamin Campbell, and now in our possession, we have been compelled to come to the conclusion that these certificates do not bear the remotest resemblance either to Mr. Campbell's ordinary handwriting or his signature.

We beg leave also to mention that Mr. Benjamin Campbell has his mercantile establishment in the Rio Nunez, and not in the Rio Pongas, as the above-mentioned certificate would lead your Lordship to suppose.

We will, however, make every possible inquiry into this matter, and should we succeed in obtaining any further information will immediately submit the same to your Lordship.

No. 41.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 5, 1841.**(Received September 20.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 17th of May last, from which we had much gratification to find that our statements with respect to the report of the effect of the breaking up of condemned slave-vessels on the health of this settlement had been satisfactory to your Lordship.

In reply to your Lordship's inquiry as to the cause of the rapid disappearance of the hulls of these vessels, we beg leave to inform your Lordship that the value of the iron, copper, and such portion of the timbers as can be rendered available for building purposes, and even of the refuse for fuel, which is a scarce article in Freetown, is the chief cause of their being so speedily pulled to pieces, and being removed; though occasionally, when sufficient despatch has not been employed by the purchasers, the fragments of the broken vessels are either swept away by the sea, or disappear in the sands, which seem there to have somewhat of the character of quicksands.

We have, &c.

(igned)

WALTER W. LEWIS.
M. L. MELVILLE.*The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 42.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 5, 1841.**(Received September 20.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 24th of May last, enclosing for our information and guidance a copy of a letter addressed by your Lordship's directions to the Secretary of the Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade; and we beg leave to offer our best thanks for the communication in question.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.*The Right Hon. Viscount Palmerston, G.C.B.,*
&c. &c. &c.

No. 43.

*Her Majesty's Commissioners to Viscount Palmerston.**(Sierra Leone, July 5, 1841.)**(Received September 20.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 26th of May last, enclosing copy of a communication from the Colonial Office respecting the order issued by the late Governor Jeremie prohibiting condemned prize-vessels purchased by foreigners from being cleared out from Sierra Leone; and also a copy of the Report of the law officers of the Crown, referred to in that communication.

We beg leave to thank your Lordship for the information afforded us by these documents, and to state that the Acting Governor has received a communication from the Colonial Office to the same effect, and will immediately give the requisite directions thereupon to the head of the Customs Department of this colony.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.*The Right Hon. Viscount Palmerston, G.C.B.,*
&c. &c. &c.

No. 44.

*Her Majesty's Commissioners to Viscount Palmerston.**(Sierra Leone, August 2, 1841.)**(Received September 20.)*

MY LORD,

WITH reference to our Despatch of the 5th of July last, on the subject of certain documents found on board of the slave-vessel "*Segunda Rosario*," condemned at Havana on the 18th of February, 1841, and which your Lordship had forwarded to us in your Despatch of the 12th of May last, for the purpose of inquiring into what connexion Mr. Benjamin Campbell may have had with the transactions of that vessel, and the slave-dealings of Mrs. Lightbourn, we beg leave to acquaint your Lordship that on the 31st ultimo Mr. Campbell, having come on a visit to the colony, called at our office, when we exhibited to him the document purporting to be a certificate of freedom given by "B. Campbell" to "John Boson," and also communicated the substance of your Lordship's said Despatch; and we have now the honour to

forward herewith copies of two letters which Mr. Campbell addressed to us in consequence of what had transpired on that occasion.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

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

First Enclosure in No. 44.

Mr. Campbell to Her Majesty's Commissioners.

GENTLEMEN,

Freetown, July 31, 1841.

THE paper document, marked No. 5, and purporting to be a certificate signed by me on the 1st of January, 1841, "that John Boson is a free native of the Rio Pongas," is not in my handwriting, and consequently was not given by me.

I perfectly well recollect, when visiting my factory in the Rio Pongas *three years since*, giving a certificate to a young man of the name of John Boson "that he was a free native of the Rio Pongas;" he had shipped, or was about to ship, himself as a cook on board a Spanish or Portuguese schooner called the "*Eliza*" or "*Elizabeth*," to the best of my recollection; and he importuned me for this certificate to show that he was not a slave, in the event of the vessel being captured by a British man-of-war, and his being sent to some one of the British islands.

The document No. 5, forwarded to you, and which you have called upon me to explain, is an imperfect copy of the one I gave to John Boson, and has, I fear, been made to represent some other person, as John Boson would not probably part with his certificate; besides, to the best of my recollection, in the certificate I gave I described John Boson's person.

I beg to observe in further explanation that the free natives of these parts (the Pongas and Nunez), when leaving their own territories in search of work, and particularly when going among Spaniards and Portuguese, and even to the French settlements, are always anxious to obtain from some well-known Englishman a certificate of their freedom, and I have in other instances given certificates similar to the one I gave John Boson, the parties obtaining them considering such certificates a safeguard from being sold into slavery, and every one acquainted with the African character is aware what store a native sets on a white man's "good book," and particularly a "free-book."

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

I have, &c.
(Signed) B. CAMPBELL.

Second Enclosure in No. 44.

Mr. Campbell to Her Majesty's Commissioners.

GENTLEMEN,

Freetown August 1, 1841.

WITH reference to my letter to you of yesterday's date, explaining, as well as I was able at the moment, how my name came to be made use of in such an unwarrantable manner in the document marked No. 5, which you submitted to me for inspection and explanation, I beg to lay before you the narrative of a circumstance, which I have since brought to mind, that induced several free natives, amongst others John Boson, to apply to me to give them certificates that they are free-born natives (and which prompted me to accede to their solicitations), that they might use the same in the event of any attempt to regard or dispose of them as slaves.

Some few years ago, when the late Edward Jousiffe and the present converted slave-dealer — were carrying on their operations as partners in the Rio Pongas, the latter person shipped on board a slave-vessel several slaves on his own account, himself taking a passage in the vessel for Havana. Previous to leaving, he induced, by the offer of high wages, two inexperienced young men to accompany him and assist him in taking care of the slaves, one a mulatto, named Christopher Weatherhead, a native of the Rio Nunez, and the son of a deceased English trader, who had resided there many years; the other a young man of the name of Mory, a relative of Mungo Yangy, the late chief of the Rio Pongas.

Shortly after their arrival in Cuba a great mortality took place among the slaves of —, and upon the ultimate sale of them he found himself very little in pocket by the adventure. Being a man of extravagant habits, he was soon out of pecuniary resources, and was glad to accept the offer of 500 dollars from a merchant in the Havana to navigate an English brig, whose captain and crew had been swept off by fever, to Charlestown, South Carolina, her destination. He proceeded thither accompanied by the young men I have named; and, on delivering up the vessel to the consignee, received the 500 dollars; this sum he soon squandered, and, being again short of money, he had the baseness to sell the two lads for 700 dollars: to effect the sale he was obliged to inveigle the lads some distance from the town to see some (to them) extraordinary sight. On arriving at the place agreed on between himself and the purchaser, the lads were left there under some pretext, Canot promising them to return immediately. The purchaser soon after carried them to a plantation at some distance; here the young men were told the (to them) astounding intelligence that they had been sold by Canot: they expostulated, and declared they were free-born people and would not work as slaves; compulsion was used, and the boys cruelly flogged; still they refused to work, and declared their determination to submit to death rather than live as slaves. The man who had bought them then thought it would be better to dispose of such refractory fellows; and he was not long in finding a purchaser on an estate some thirty or forty miles distant. When transferred to their new master they evinced the same inflexible

determination not to work as slaves, and coercion was again used with as little success as before: their second owner then adopted the same expedient as the first; sent them to a distance, and sold them to a third party: they were again set to work, and again as obstinately refused to work; but in this instance, instead of being tortured, they were carried into the presence of the owner of the plantation, a more respectable character than the preceding ones, who asked their reason for refusing to work. Weatherhead, a young man of mild and rather good manners and address, then told the history of himself and his companion: after being attentively listened to, they were asked if they had with them no document to prove who they were, and that they were really free people; to which they could only reply that, on quitting Africa, they never dreamt of being placed in their present position, that they were inexperienced, and that it was the first time they had ever left their homes.

The new owner, who had paid the enormous sum of 1500 dollars for the lads, believing their story, greatly to his credit put the case into the hands of the State Attorney, who took their depositions, and wrote to their relatives in Africa for a confirmation of their statements. Some of these parties, on receipt of the State Attorney's letter, not being able to read, brought their letters to me to read to them. After a perusal of their contents, in substance nearly as I have above detailed, I felt and took a great interest in the case; the friends and relatives of the lads readily gave me permission to answer the communication in their names, which I did, stating the account the young men had given of themselves, and of the circumstances under which they had left their homes, to be strictly true; that their long absence had caused great uneasiness to their families as to their fate, this converted slave-dealer never having since returned to the Rio Pongas; and I urged strongly the propriety of sending the young men back to their country without delay, as their friends, being then aware that they were held in slavery in the United States, were very likely to detain some of the American vessels resorting to the Rivers Nunez and Pongas to trade. In about six months after forwarding my letter I had the pleasure of seeing both the young men restored to their families, and from Weatherhead I received the above particulars, the result of their unfortunate voyage and connexion with the slave-dealer.

It is almost needless to say, that I received the grateful thanks of both the lads and their friends for being instrumental to their return home. The circumstance created a great sensation among the native and trading community of both rivers, and a much greater importance attached to the effect of my letter in the minds of the natives than it really merited. It is from the above-recited occurrence that, in a great measure, arose the desire on the part of the free labouring natives when hiring themselves to foreigners to obtain from me a certificate of their being free natives of the country.

It was not till after I had closed my communication to you of yesterday that the above circumstance came fully to my recollection. It is now three years since I visited the Rio Pongas, and about the same time has elapsed since I gave a certificate to the *real* John Bosen.

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

I have, &c.
(Signed)

B. CAMPBELL.

No. 45.

Her Majesty's Arbitrator to Lord Leveson.

Sierra Leone, August 6, 1841.

(Received September 20.)

MY LORD,

I HAVE the honour to communicate that Mr. Lewis, Her Majesty's Commissary Judge, having sailed hence on the 4th instant on a visit to Ascension, Mr. Carr, the Acting Governor, was sworn in on the following day as an acting Commissioner during Mr. Lewis's temporary absence.

I have, &c.

Lord Leveson,
&c. &c. &c.

(Signed)

M. L. MELVILLE.

No. 46.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 30, 1841.

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

I have, &c.

(Signed)

ABERDEEN.

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

No. 47.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, September 6, 1841.

(Received November 12.)

MY LORD,

I HAVE the honour to acquaint your Lordship that a Commission having arrived here on the 2nd instant, appointing Mr. Fergusson lieutenant-governor of the colony, that gentleman assumed the reins of government on the following day, and on the 4th instant took the oaths of office as an acting Commissioner in the Courts of Mixed Commissions.

I have, &c.
(Signed)

M. L. MELVILLE.

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

No. 48.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 20, 1841.

(Received November 27.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 5th August last, respecting the employment of Liberated Africans in the Mixed Commissions; and we beg to assure your Lordship that it will afford us much satisfaction in complying with your Lordship's instructions to employ such persons in the capacity of messengers, clerks, or otherwise, whenever we can find any of them fit for those situations.

We have, &c.
(Signed)

W. FERGUSSON.
M. L. MELVILLE.

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

No. 49.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 23, 1841.

(Received November 27.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 26th July last, acquainting us that our suggestion to have the crews of condemned Slave-vessels held in custody at Sierra Leone until opportunities should offer for sending them to be punished by the laws of their own countries cannot be legally carried into effect.

We regret that such is the case, as we know of nothing more likely to check the Slave Trade than the effectual detention and delivery up to justice of the slave crews, who at present are invariably thrown loose on the coast, and help to man many a vessel which otherwise would be unable to carry off her human cargo for want of hands.

We have, &c.
(Signed)

W. FERGUSSON.
M. L. MELVILLE.

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

No. 50.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 27, 1841.**(Received December 4.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 31st of July last, transmitting to us for our information a copy of a letter on the subject of sending to England foreigners charged with the crime of piracy of Slave Trade, addressed by your Lordship to the Admiralty, and a copy of the answer which had been returned by the Admiralty.

We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed) W. FERGUSSON.
M. L. MELVILLE.

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

No. 51.

*Her Majesty's Judge to Viscount Palmerston.**Sierra Leone, October 11, 1841.**(Received December 4.)*

MY LORD,

WITH reference to the Despatch of the 3rd of August last, which I had the honour of addressing to your Lordship, reporting my intention to visit the island of Ascension for the benefit of my health, under the conditional leave of absence for the rainy season, granted to me by your Lordship, I now beg leave to state, that on the 4th of August I quitted the colony with that object, and that yesterday I returned again to my post, and have resumed my duties in these Commissions.

I have, &c.

(Signed) WALTER W. LEWIS.

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

No. 52.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 31, 1841.

WITH reference to Viscount Palmerston's Despatch to you, of the 24th of May last, respecting instructions given for the guidance of Her Majesty's cruizers in dealing with vessels under the United States' flag, and suspected of Slave Trade, I herewith transmit to you, for your information, a copy of a further instruction issued on this subject, by the Lords Commissioners of the Admiralty, to the admirals commanding Her Majesty's naval forces on the Cape of Good Hope and West India stations, and to the senior officers on the West Coast of Africa and the Brazils.

I am, &c.

(Signed) ABERDEEN.

To Her Majesty's Commissioners, Sierra Leone.

Enclosure in No. 52.

Sir John Barrow to the Commanders in Chief and Senior Officers at the Cape of Good Hope, Coast of Africa, West Indies, and Brazils.

SIR,

Admiralty, December 7, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith a copy of a letter from the Under Secretary of State for Foreign Affairs, dated the 27th of last month, on the subject of the conduct to be pursued by the commanding officers of Her Majesty's cruizers towards vessels hoisting the United States' flag, engaged in Slave Trade; and I am to signify their Lordships' directions to you to govern yourself accordingly, and to issue corresponding instructions to the ships and vessels under your orders.

My Lords desire you at the same time to observe that, although the said letter conveys a decided instruction that Her Majesty's cruizers are neither to capture nor interfere with, nor even to visit United States' vessels, whether they shall have slaves on board or not, yet you will perceive by it that it is not intended to allow vessels of other nations to escape visit and examination by merely hoisting an United States' flag: therefore, if one of Her Majesty's cruizers shall fall in with a vessel which may hoist an United States' flag, but which, from intelligence the officer commanding Her Majesty's cruizer may have received, or from her manœuvres, or other sufficient cause, he may have reason to believe does not belong to the United States, he is, if the state of the wind and weather shall admit of it, to go ahead of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her (notwithstanding her American colours), to ascertain her nationality, without causing her detention in the event of her proving to be really an United States vessel; but should the strength of the wind or other circumstances render such mode of visiting the stranger impracticable, he is to consider himself authorised to require the suspected vessel to be brought to (merely to admit of her nationality being ascertained), and he will be justified in enforcing it (*if necessary*); understanding always that he is not to resort to any coercive measure until every other means of effecting the required visit shall have failed: and however the said visit may be accomplished, whether by force or otherwise, the officer that boards the stranger is to be instructed merely in the first instance to satisfy himself, by the vessel's papers, or other proofs, of her nationality, and if she proves to be really an United States' vessel, he is to lose no time in again quitting her, offering to note on the papers of the vessel the cause of his suspecting her nationality, and which had alone induced him to insist on visiting her, adding a note of the number of minutes the vessel was detained (if detained at all) for the object in question, such notation to be signed by the boarding officer, specifying his rank and the name of Her Majesty's cruizer; and whether the commander of the United States vessel consent to such notation on the vessel's papers or not (and it is not to be done without his consent), all the said particulars are always to be immediately fully entered in the log-books of Her Majesty's cruizer, and a particular statement thereof is to be sent, addressed to the Secretary of the Admiralty, by the first opportunity direct to England, as desired in the Secretary of State's letter; and also a similar statement to the senior officer of the station; to be forwarded by you also to the Secretary of the Admiralty, for their Lordships' information, accompanied by any remarks you may have reason to make thereon.

Of course, in cases where the suspicion of the commander of Her Majesty's cruizer turns out to be well founded, and the vessel boarded proves, notwithstanding her United States' colours, not to belong to that nation, the commander of Her Majesty's cruizer will, as also directed by the Secretary of State's letter, deal with her as he would have been authorised and required to do, had she not hoisted the United States flag.

I am, &c.

(Signed) JOHN BARROW.

To the Commanders in Chief and Senior Officers at the Cape of Good Hope, Coast of Africa, West Indies, and Brazil.

SIR,

Foreign Office, November 27, 1841.

I AM directed by the Earl of Aberdeen to request that you will draw the attention of the Lords Commissioners of the Admiralty to the Note addressed by Viscount Palmerston to Mr. Stevenson, on the 5th of August last, on the subject of the vessels "*Jago*" and "*Hero*," a copy of which Note was transmitted to the Admiralty by the directions of Lord Palmerston, in a letter from this office dated the 31st of that month.

In that Note it is stated by Viscount Palmerston, "that positive orders were sent by the Admiralty in February last to all Her Majesty's cruizers employed for the suppression of the Slave Trade not again to detain or meddle with United States vessels engaged in Slave Trade."

I am to request that you will observe to the Lords Commissioners of the Admiralty, that, from the letter addressed on the 8th of February last by Lord Leveson to the Secretary to the Admiralty, it appears that the instructions which their Lordships were requested to issue to Her Majesty's cruizers were to the effect that they should abstain from capturing United States vessels engaged in the Slave Trade; and I am therefore directed by Lord Aberdeen to request that you will move the Lords Commissioners of the Admiralty to send instructions to Her Majesty's cruizers to abstain from detaining or visiting vessels of the United States engaged in the Slave Trade.

I am at the same time to state to you that Lord Aberdeen is desirous, if there should be good reason to suspect that vessels bearing the United States flag are not entitled to carry that flag, that Her Majesty's cruizers should ascertain the fact by visit or otherwise. In the event of the suspicion being confirmed, such vessels would be dealt with according to law and the provisions of treaties; but, on the other hand, if Her Majesty's cruizers should detain or visit any vessel under the flag of the United States which should prove to belong to the Union, Lord Aberdeen requests that the commanding officers should be directed to send home a full Report of all the particulars of the case by the earliest opportunity, not waiting to include it in such regular periodical Report as they may be required to transmit of their proceedings.

I am, &c.

(Signed)

CANNING.

SIERRA LEONE. (*Spain.*)

No. 53.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 23, 1840.

(*Received January 14, 1841.*)

MY LORD,

HEREWITH we have the honour to hand to your Lordship our report of the case of the Spanish brigantine "*Palmira*," Narciso Aldavó, master, seized on the 15th ultimo, in 3° 59' north latitude, and 5° 48' east longitude, on the ground of her being illegally equipped, by Her Majesty's sloop "*Wolverine*," Commander William Tucker (b.), and on that charge condemned on the 19th instant.

This vessel was said to be owned by the master, who lately purchased her from the house of Ylisastigue and Vial, of St. Jago de Cuba, for the sum of 2000 dollars, and then fitted her out in that port for a voyage to the Bonny, and embarked a general cargo adapted to the Slave Trade in that quarter. Among the articles cleared were 12 leaguers in shakes, with the requisite iron hoops for setting them up. For the lawful employment of these casks no security appears to have been taken, although the "*Palmira*" was bound to that notorious slaving river the Bonny.

We have, &c.

(Signed)

WALTER W. LEWIS.
A. DOHERTY.

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

Enclosure in No. 53.

Report of the case of the Spanish Brigantine "Palmira," Narciso Aldavó, Master.

Sierra Leone, October 23, 1840.

THE brigantine "*Palmira*," when seized, was found to have the following official papers on board, under which she sailed :—

1. Royal Spanish Passport.
2. Muster-roll.
3. Clearance.
4. Bill of Sale.

These papers showed that Narciso Aldavó was owner as well as master of this vessel, having derived his title to the brigantine by a purchase from Messrs. Ylisastigue and Vial for 2000 dollars, (500*l.*) made on the 10th of July, 1840, at St. Jago de Cuba; that she was navigated under a royal passport issued at St. Jago de Cuba on the 12th of July, 1840, which was to be in force for the term of one year from that date; that she had a crew of 24 persons, was bound to the river Bonny, and had a cargo of spirits, tobacco, snuff, cutlery, beads, &c.

The log-books showed that the brigantine sailed from St. Jago de Cuba on the 13th of July last, and that she anchored for three days at the Cape Verd islands on her way to this coast, where she was detained on the 16th of September ultimo.

There were several private letters and written and printed directions seized with the vessel's papers, but they all proved unimportant.

On the 9th of October instant, the detained vessel anchored in this port, and was immediately visited and reported upon by the Marshal of the Courts, and on the following morning the case was presented to the British and Spanish Mixed Court for adjudication.

The captor's declaration and the ship's papers were then ordered to be filed, the latter having been first

properly authenticated by the prize officer's affidavit; the usual monition was issued, and the witnesses in preparatory were directed to be examined.

The captor's declaration was as follows:—"I, William Tucker, (b.) Esquire, Commander of Her Britannic Majesty's sloop 'Wolverine,' hereby declare that on this 15th day of September, 1840, I detained, in latitude 3° 59' north, and longitude 5° 48' east, the vessel named the 'Palмира,' sailing under Spanish colours, commanded by Narciso Aldavó, who declared her to be bound from St. Jago de Cuba to the river Bonny, with a crew consisting of 24 men, and 1 passenger." And that the said vessel was detained for being illegally equipped in the several respects mentioned.

The witnesses in preparatory were the master and cook of the detained vessel, who were respectively examined by the Registrar on the 12th instant.

Narciso Aldavó, the master of this vessel, in reply to the standing interrogatories, deposed, That 'he was born at Barcelona. Has lived during eight years in Cuba. Is a subject of Spain, and has never been a subject of any other state or power. Is not married. He appointed himself to the command, and took possession, at St. Jago de Cuba, during the month of July last. First saw the vessel there four years ago. Believes she was built in North America. 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 'Palмира.' Never heard of her bearing any other name. Thinks she is of 105 tons burden. There were 22 officers and mariners exclusive of witness, all Spaniards, hired and shipped by witness at St. Jago de Cuba during the month of July. Except himself, none of the officers or mariners had any interest in the vessel or her lading. Did himself own both. Was master on board. There was one passenger, a Spanish boy named Riera—José Riera, as witness thinks, who was sent to sea by his father at Cuba, for the correction, if possible, of bad habits and an unruly temper. He was of course quite unconnected with vessel or cargo. The voyage began and was to end at St. Jago de Cuba, which was the last port of clearance. The vessel touched at the Cape Verd Islands for water, which was procured, with a few provisions, and with 5 hogsheds of tobacco purchased from an American vessel which was lying there. She then proceeded on her voyage, calling at no other place. On the 15th ultimo, at eight o'clock in the evening, the capturing ship was first seen in 4° 0' north latitude and 9° 0' east longitude from the meridian of Cadiz. No land was in sight. Capture took place about 11 o'clock that night. Was steering towards the river Bonny at the time. The course was not altered, nor any additional sail made. The course prescribed by the papers had been always adhered to when the weather would permit, except on occasion of the visit to the Cape Verdes, which was made for the purpose of procuring water. No guns are mounted on board, but there were eight or ten old cutlasses, six muskets, one pair of pistols, and a quantity of ammunition, witness does not know how much, for defence against pirates. 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 himself was the sole owner of the vessel. There was a bill of sale made in his favour three months ago at St. Jago de Cuba, by Don José Ylisastigui, a Spanish merchant of the island. Does not recollect the names of the witnesses to it. Last saw it on board the capturing ship. The price was 2000 dollars. It was paid, and was a fair equivalent. The transfer was a true one; nor were there any private agreements. He himself 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 aguadente, knives, beads, and tobacco in leaf, snuff, and cigars, of which last there must be 60,000 on board. After capture the vessel was brought direct to Sierra Leone. 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. The vessel and goods are not insured. Some medicines were taken from the detained vessel at the time of capture by an officer from the capturing ship. Does not know what officer he was; whether the surgeon or not."

On the subject of the equipment of the detained vessel the master stated that "the hatches are not fitted with open gratings. The coamings of the hatchways are pierced to receive round iron bars, of which to witness's knowledge none are on board. The holes are now plugged up, although the plugs might be easily driven out. Purchased the vessel in that state. There are two bulkheads, those of the cabin and fore-castle, and two bunks or sleeping berths on deck. There are from 20 to 25 spare planks on board, not numbered or fitted to any part of the vessel, some of them 12 and some 20 to 25 feet long, a foot or a foot and a half broad, and an inch and a half in thickness. No part of a second deck is laid. There are no shackles, bolts, or handcuffs on board. There were leaguers and casks on board capable of receiving 15 pipes of water in all, a quantity even insufficient for the ship's company. These casks contained about five pipes of fresh water at the time of capture, and there were besides shakes for 13 leaguers or pipes more, which were destined to receive palm oil. There were no tanks. There were three or four mess kits for the use of the crew. There was one large iron boiler for clarifying the palm oil. There were six cwt. of rice, half a barrel of flour, and five or six bags of beans and calavances, for use of the ship's company. No Indian corn or farina."

The evidence of the cook of this vessel, José Lami, was in every way confirmatory of that given by the master, with the exception of that part containing a charge of one of the officers from the capturing ship having removed some medicines from the prize, to which he gives a decided contradiction, by declaring that "nothing was taken out of the vessel at the time of capture."

Publication passed in the cause on the 13th instant, and on the 16th the sworn report of the surveyors was received on the subject of the vessel's equipment. From this report we learned that the main and after hatchways had their coamings bored for iron hatch-bars. That, in addition to the lawful and necessary divisions in the hold to form accommodation for the crew, there were two moveable sleeping berths on deck, such as are usual in slavers, and not required in this vessel. A quantity of planks unmarked, but adapted to the formation of a slave-deck. More casks than necessary to hold water for the use of the crew, and a 30-gallon boiler in addition to the requisite accommodation for the crew in the vessel's cabouse.

An affidavit of the prize officer stated that he did not take charge of this vessel until she was ready to come to this port, and that in consequence he was unable to reply to the charge preferred by the master of the removal of some medicines from the prize to the capturing ship.

The monition, which issued on the 10th, was returned into Court by the Marshal on the 17th inst., certified to have been duly executed.

On the 16th instant a petition for a day of trial was received, and the 19th was appointed for that purpose. The Court assembled on that day, and having had publicly read the evidence received in

this case, declared that the Spanish brigantine "*Palmira*" had been proved to have been illegally equipped at the time of her seizure, and that no sufficient explanation had been given for her being in that condition. She was accordingly decreed to be a good and lawful prize.

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

No. 54.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 26, 1840.

(Received January 14, 1841.)

MY LORD,

WE have the honour of reporting to your Lordship that Her Majesty's brigantine "*Termagant*," Lieutenant Henry F. Seagram, commander, detained on the 5th instant, in 5° 40' north latitude, and 10° 2' west longitude, the schooner "*Felicidade*," sailing under the flag and pass of Portugal, on the ground that she was *bonâ fide* Spanish property, and as such unlawfully equipped; on which charges Lieutenant Seagram sent his prize to this colony for adjudication.

The charges against this vessel having been satisfactorily established by the evidence received in the case, a sentence of condemnation was passed upon her on the 24th instant.

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

The passport under which the "*Felicidade*" was navigated when detained was granted originally for a *brigantine* rigged vessel of that name, at Rio de Janeiro, on the 7th February, 1833, by the Portuguese Consul-General at that port, João Baptista Moreira. From that date up to the 2nd June, 1839, we have no account of the proceedings of the vessel for which the passport had been granted; but on that latter date we learn from an indorsement under the hand and seal of the Pro-Consul for Portugal at Havana, Mr. Pasqual Pluma, that the brigantine for which the passport had been granted was then changed in her rig to that of a schooner. The brigantine "*Felicidade*" at the time of her rig being thus changed must therefore have been nearly 7 years old; but as the schooner on board of which this pass was found in use, and under which she was, according to Mr. Pro-Consul Pluma's indorsements, making her second voyage from Havana, has been proved to be nearly a new vessel, it follows, we think, my Lord, that a very convenient adaptation of an old Portuguese passport, for the service of a new American schooner, has in this instance been effected through Mr. Pluma.

We consider this a case of fraud of such a palpable description that we should omit a duty did we not lay before your Lordship the original passport of the "*Felicidade*" (now transmitted), as well as our authority, independent of our conviction, for saying that the vessel, for which that pass had been in use under Mr. Pluma's authority, was not the one described by Consul Moreira in that document, but a new and entirely different vessel.

We will only add that the officers of the Court, whose reports on this subject we have now forwarded to your Lordship, are all acting under oaths of office, and are men of so much experience in respect to nautical affairs as to be unlikely to form incorrect opinions on the points in question.

Felis Cosmé Madail, the master of this vessel in her last voyage from Havana to Bahia and Lagos, is the person now acting as the resident agent at Lagos of the well-known slaving firm of Abreo and Mazorra of Havana, and the person to whom the brig "*Plant*" was by them consigned, as reported in our Despatch of the 8th of September, 1840.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

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

First Enclosure in No. 54.

Report of the case of the schooner "Felicidade," Francisco Mideiros, master.

Sierra Leone, October 26, 1840.

THIS vessel at the time of her detention was found sailing under a passport granted by João Baptista Moreira, the Portuguese Consul-General at Rio de Janeiro, dated the 7th February, 1833, for the brigantine "*Felicidade*," said to be owned and commanded by Justino José Ramos de Faria, and then bound on a voyage to Angola. From the year 1833 until June, 1839, the proceedings of the brigantine "*Felicidade*" are not known; but it appears from the certificate of the Pro-Consul for Portugal at Havana, Mr. Pasqual Pluma, that on the 2nd of that month the rig of this vessel was altered into a schooner; and on the 8th of June, 1839, Mr. Pro-Consul Pluma further indorsed the passport, to the effect that Felis Cosmé Madail had superseded De Faria in the command, and that the vessel was then bound to Bahia and the river Lagos. A third indorsement of Mr. Pluma, on the 13th August, 1840, removes Madail, and places Francisco Mideiros in command of this vessel for a voyage to Monte Video.

The muster-roll, dated Havana, the 13th August, 1840, stated the schooner to be navigated by 19 persons, and destined to Monte Video.

The customs clearance, which was dated on the day following that of the muster-roll, showed the same destination, and that 34 casks of rice composed the cargo.

The log-book of the vessel is a very imperfect document, not even containing the latitude or longitude in which the vessel was during any one day of the voyage. It showed that the schooner left Havana on the 16th August, and apparently came the direct route to this coast, on which she was captured on the 5th instant.

In addition to the foregoing papers there were three personal passports for the two mates of this vessel, and the passenger, who is described as a mariner. They all state the parties were on their way to Monte Video.

On the 16th instant the detained vessel anchored in this port, and was immediately visited by the Marshal to the Mixed Courts, who made his usual report of the circumstances attending the seizure; and on the following morning this case was presented to the British and Spanish Court for adjudication, when leave was granted for the filing of the ship's papers on their being duly authenticated by the prize-officer, together with the captor's declaration; the monition was ordered to issue, and the witnesses in preparatory were produced for examination.

The declaration of Lieutenant H. F. Seagram of Her Majesty's brigantine "*Termagant*," stated that, "on the 5th day of October, 1840, being in or about latitude 5° 40' north, and longitude 10° 2' west, he detained the schooner named the '*Felicidade*,' sailing under Portuguese colours, commanded by Francisco Mideiros, who declared her to be bound from Havana to the coast of Africa; and that he had so detained the said schooner as Spanish property, under the 10th Article of the Treaty made between His late Majesty and the Queen Regent of Spain, the schooner being equipped for and engaged in the Slave Trade."

On the 21st instant the master of this vessel, Francisco Mideiros, was examined by the Registrar on the standing interrogatories, and deposed as follows: That "he was born in Madeira, where he has since lived. Is a subject of Portugal, and has never been a subject of any other state. Is not married. He was appointed to the command, and had possession given him at Havana during the month of August last by Don Pascual Garcia, a Portuguese or Spaniard, who speaks Spanish like a native. Does not know of what state this person is a subject, but he resides at Havana. First saw the vessel in Havana, when he received command and possession. Does not know where she was built. He was present at the capture, which took place because the hatches were fitted with iron bars. The vessel sailed under Portuguese colours, and there were no others on board. The vessel is called the '*Felicidade*.' Never heard of her bearing any other name. She is of 100 tons burden. There were 15 officers and mariners, exclusive of witness; six of them Portuguese, and the remainder Spaniards, all hired and shipped by the boatswain at Havana during the month of August last. Neither he nor any of the officers or mariners had any interest in the vessel or lading. Was master on board. There was one passenger, named Pascual Garcia, a Spaniard according to his passport, and by profession a seaman, and the same person who gave witness command and possession. He was taken on board at Havana in August, and was destined to any part of the coast at which it might be most convenient for the vessel to land him, witness does not know on what business. He is owner of the vessel, but had no authority on board. The voyage began and was to end at Havana, which was the last clearing port. The vessel touched nowhere during the voyage. He first saw the capturing ship off Grand Bassa, and in sight of land, 15 days ago, at 7 o'clock in the morning. Chase began immediately, by means of the man-of-war's boats, and capture took place at 10 o'clock. The detained vessel was steering for New Sesters at the time. The course was altered and all sail made. The course prescribed by the papers had not been adhered to during the voyage, because it is not permitted to clear out for the coast, it being known that vessels bound thither are engaged in the contraband trade. No guns are mounted on board; but there were 12 cutlasses, 12 muskets, and 20 or 30 parcels of musket cartridges. The vessel was so armed for defence against canoes, and against risings of the slaves. 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. Don Pascual Garcia, the passenger, from whom witness received command and possession, was the sole owner of the vessel. Does not know if he be married, or how long he has lived at Havana. He knows nothing of a bill of sale, the price, or transfer of the vessel. There is no cargo. He knows nothing of the lading of the vessel on the last voyage. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are 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. Corresponds with no one."

On the subject of the equipment of this vessel the Master swore, that "the hatches are fitted with open wooden gratings to admit air to the slaves. The coamings of the hatchways are pierced for round iron bars, of which forty are on board, intended and fit for securing the said hatches. There are three

bulkheads, those of the cabin, store-room, and fore-castle; and there are two bunks or sleeping berths on deck. No spare planks are on board. A complete slave-deck is laid fore and aft. About 150 shackles and bolts are on board, intended for the chaining of slaves. There are leaguers and casks on board capable of receiving sixty pipes of water in all, and all filled with fresh water at the time of capture, with the exception of four or five pipes consumed on the voyage. There are no tanks nor staves. The vessel was supplied with the means of carrying water which she has, because it was intended to carry a cargo of slaves. Forty mess-kits are on board for the use of slaves. There are two large iron boilers for cooking for slaves. There were 120 bags of rice, half a barrel of flour, a bag of beans, and a bag of calavances, for the use of the crew and of slaves.

The evidence of Pascual Garcia, the passenger on board this vessel, and apparently the Spanish captain (Mideiros, who is quite a lad, being plainly only the "captain of the flag"), was to the effect that he had appointed Mideiros to command the schooner, and given him possession at Havana, in August last. He, the witness, resides at Havana. That he had no interest in the vessel or her voyage, being only a passenger on board. He is a Spaniard by birth and allegiance, and a seaman by profession; and embarked in this vessel at Havana for a passage to the Gallinas, whither he was going for the purposes of commerce; although he took out a passport with the destination of Monte Video, to which port the vessel was ostensibly bound. The sole owner of the vessel is Juan Brunenque, a Spaniard, residing with his family at Havana. In other respects Garcia's evidence was similar to that given by Mideiros, as well in respect to the vessel's papers and the voyage, as to her illegal equipment.

Previous to the completion of the examinations of these two witnesses, a survey of the detained vessel had been made by the Surveyors of the Court, and their sworn report had been filed in the case, which went to establish in the most clear manner that every one of the sections of the equipment article of the Treaty between Great Britain and Spain had, in this instance, been violated. It is, however, needless to give an extract of that report, as both the witnesses admitted the vessel's questionable equipment, and avowed that it was embarked for the use of a cargo of slaves.

Publication took place on the 22nd instant, and the Monition, which was issued on the 17th, was returned into Court duly certified on the 24th instant; on which day the Court met for the trial of this vessel, when the Spanish ownership of the schooner having been freely acknowledged by the witnesses, as well as the Spanish course of trade in which she had been seized, and the illegal equipment established in the clearest manner, a sentence of condemnation was in consequence pronounced.

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

Second Enclosure in No. 54.

A Passport granted February 7th, 1833, by Joao Baptista Moreira, Portuguese Consul-General at Rio de Janeiro, for the Portuguese schooner-brig "Felicidade."

Third Enclosure in No. 54.

Surveyors' Report.

SIR,

Freetown, 26th Oct. 1840.

WE beg leave to report that we proceeded on board of the Spanish vessel "*Felicidade*," for the purpose of examining (her) if it were possible to trace or perceive if she were ever rigged as a brigantine, but could not find by any appearance that she was ever in any other rig but that of a schooner, in which she is now; she appears to be nearly a new vessel, perhaps one or two years old: this we judge by her seams, water-ways, &c.

We have, &c.

THOMAS M'FOY.
HENRY NORQUOY.

Surveyors.

J. Miller, Esq.
Acting Registrar

Fourth Enclosure in No. 54.

Report of the Commissioner of Appraisalment and Sale, and of the Marshal.

SIR,

Sierra Leone, 26th October, 1840.

IN reply to your inquiry respecting the schooner "*Felicidade*," we beg to inform you, for the information of Her Majesty's Commissioners, that that vessel has never been rigged as a brigantine; and that she appears to be a new vessel, about two years old.

We are, &c.

FRANCIS ASSEN,
Commr. of Appt. and Sale.
JOHN C. CATHCART,
Acting Marshal.

John Miller, Esq.
Acting Registrar.

No. 55.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 6, 1840.
(Received January 14, 1841.)

MY LORD,

WE have the honour herewith to transmit to your Lordship our report of the case of the Spanish schooner "*Paquete Veracruzano*," Antonio Aragon

master, seized by Her Majesty's brigantine "Termagant," Lieutenant H. F. Seagram commander, on the 14th ultimo, off Grand Bassa, on account of being unlawfully equipped, on which charge she was yesterday condemned by the British and Spanish Mixed Court established here.

This schooner is one of the many vessels belonging to the port of Havana employed in the Slave Trade, and which have lately cleared out there fully equipped for that traffic.

According to the passport of this vessel and the master's evidence, she was owned by Santiago Ruiz, a Spaniard residing at Havana, where she was fitted out, and to which port she was to have returned with the cargo of negroes who were to have been shipped in the neighbourhood of Cape Mount.

We have, &c.

(Signed)

W. W. LEWIS.
R. DOHERTY.

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

Enclosure in No. 55.

Report of the Case of the Spanish schooner "Paquete Veracruzano," Antonio, Aragon Master.

Sierra Leone, Nov. 6, 1840.

THIS Spanish vessel, belonging to the port of Havana, had the following official papers on board of her at the time of her seizure:—

1. A royal passport No. 64, issued at Havana on the 3rd August, 1840, to continue effective for one year from that time, and which described Santiago Ruiz as the owner of the schooner, and Antonio Aragon as her master. From an indorsement thereon we learned that the master had been informed that the Royal decree of the 13th January, 1825, forbade his engaging in the commerce of slaves.

2. Muster-roll dated Havana, 3rd August, 1840, showing the burthen of the schooner to be 72 tons, that she was navigated by 18 persons, and was bound to the Cape Verd Islands. At the foot of this document there was a repetition of the warning to the master not to engage in the Slave Trade.

3. Custom-house clearance from Havana, dated the day following the above described documents, which showed that there had only been shipped a few stores for the use of the officers and crew.

4. Fort-pass.

The log-book of the vessel showed that she sailed from Havana on the 6th of August last, and came by the usual route to this coast without touching at the Cape Verd Islands, to which she should have gone direct. The log ends on the 10th of October ultimo when the schooner was off Grand Bassa, near to which she was four days afterwards seized for being improperly equipped.

The arrival of the detained vessel in this harbour on the 27th ultimo was duly reported by the Marshal to the Courts, together with the facts of the seizure; and on the following morning her case was presented to the British and Spanish Mixed Court for adjudication. The filing of the ship's papers and the captor's declaration took place on the same day, as well as the issuing of the usual monition; and the witnesses in preparatory were at the same time ordered for examination.

The declaration of the seizing officer, Lieutenant Seagram, commanding Her Majesty's brigantine "Termagant," stated that on the 14th October, 1840, being in 5, 34' N. latitude, and 9, 45' W. longitude, he had detained the Spanish schooner "Paquete Veracruzano," commanded by Antonio Aragon, who described the vessel to be in the prosecution of a voyage from Havana to this coast; and that in consequence of her being unlawfully equipped he had seized the said vessel.

The master of this vessel and his second mate, Manuel Aragon, were the witnesses produced by the seizer. They were examined on the 29th ultimo by the Registrar, on the standing and special interrogatories, when the master deposed as follows: "He was born in Malaga in Spain. Has lived during eight years in Havana. Is a subject of Spain, and has never been a subject of any other state. Is not married. He was appointed to the command and had possession given to him at Havana during the month of August last, by Don Santiago Ruiz, a Spanish subject residing there. First saw the vessel there and then. Has heard that she was built in Port Mahon, island of Minorca. 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 'Paquete Veracruzano.' Never heard of her bearing any other name. She is of 72 tons burthen. There were 17 officers and mariners, exclusive of witness, all Spaniards, and all hired and shipped by witness at Havana in the month of August last. 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, named Duaro, so far as witness recollects, an African boy, taken on board when the vessel left Havana, and destined for the Cape Verd islands; witness does not know on what business. He had no concern 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 nowhere else during the voyage. The boat of the capturing ship was first seen off New Sesters and in sight of land, at 7 o'clock in the morning of the 15th instant. Capture took place at 8 o'clock, and the ship, which had been concealed by a fog, was seen half an hour after. Was steering for New Sesters at the time. The course was not altered nor any additional sail made. The course prescribed by the papers, which was for the Cape Verd islands, was deviated from on account of the state of the winds. No guns were mounted on board; but there were 7 or 8 cutlasses, 14 muskets, and 5 or 6 parcels of musket cartridges, for defence against boats or 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. Don Santiago Ruiz, the Spaniard from whom he received command and possession, was sole owner of the vessel. Does not know if he be married, or at what place he resided before he came to Havana, where he has known him during two years. He knows nothing of a bill of sale, the price, or transfer of the vessel. The owner of the vessel is also the 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 carried to New Sesters, and from thence brought to Sierra Leone. The passports and other papers were and are all entirely true and fair. None of the papers were concealed, destroyed, 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 his own management. Corresponded with no one. Bulk was nowhere broken during the voyage. The hatches are fitted with open wooden gratings, but he does not know for what purpose. The coamings of the hatchways are pierced to receive round iron bars, of which, however, none are on board. There are two bulk-heads, those of the cabin and fore-castle; and there are no bunks or sleeping berths on deck. There are no spare planks on board. A complete slave-deck is laid fore and aft. There were no shackles, bolts, or handcuffs. There are leaguers and casks on board capable of receiving 60 pipes of water in all; and they contained 35 or 40 pipes of fresh water at the time of capture. There were no tanks or staves. The leaguers and casks were partly intended to carry water for ballast. There were 25 mess-kits, which he found on board when he took charge; does not know why they were provided. There was one large iron boiler which he found on board. There were 100 bags of rice which was cargo; and there was half a barrel of flour and a quantity of beans for the use of the crew."

The second mate of this vessel, Manuel Aragon, at his examination, stated that he was the brother of her master; and was ignorant of the cause of capture, as to the ownership of the vessel and her cargo, and of the person who appointed his brother to command her. He, however, confirmed his brother's statement that the voyage began and was to have ended at Havana; and described, as he had done, the illegal equipment of the schooner.

Publication was granted on the 30th ultimo, and the Monition which had issued in this case on the 28th ultimo was returned, certified to have been properly executed, on the 4th instant.

On the 5th instant the British and Spanish Mixed Court assembled for the adjudication of this cause, when a sentence of confiscation was passed upon the schooner "*Paquete Veracruzano*" and her cargo.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

No. 56.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 6, 1840.

(Received January 14, 1841.)

MY LORD,

THE schooner "*Porto Formoso*," José Maria Carvalho, master, a vessel regularly engaged in the trade between the port of Havana and the coast of Africa, was seized on the 16th of September last off the Gallinas, in an ostensible voyage from Havana to Monte Video, by Her Majesty's brig "*Rolla*," Lieutenant Hall commanding, on the ground of her being a Spanish vessel illegally equipped.

Proceedings in prosecution of this vessel on the above-mentioned charge were commenced in the British and Spanish Mixed Court on the 29th ultimo, the day after her arrival in this Colony, and on the 5th instant those proceedings terminated in a decision of the said Court, condemning this vessel and her cargo.

Our Report of this case we have now the honour to forward to your Lordship.

This schooner, like the "*Paquete Veracruzano*," reported in our other Despatch of this date, cleared out at Havana, with a full and complete equipment in every respect for the Slave Trade, destined according to her official papers for Monte Video, but really for the Gallinas, to which place she proceeded in a direct course on leaving Havana, and where, as the master openly avowed, he was to ship a cargo of slaves.

The passport of this vessel was granted by the Minister of Marine at Lisbon, on the 19th of December, 1836, from which time until June, 1838, she appears to have been lawfully employed, having made voyages between London, Havre, and Hamburg, and St. Michael's. About June, 1839, she arrived at Havana, and towards the close of that month was cleared out by Mr. Pluma, pro-consul for Portugal, for a voyage to Gallinas. In January, 1840, Mr. Pluma certified that José Maria Carvalho had become master, but does not state on what voyage he was proceeding; and on the 23rd of July last the pro-consul again

cleared her out under the same master for the present voyage, with the official destination of Monte Video.

In our Report of the case of this vessel your Lordship will observe, that it is stated that this vessel was detained off the Gallinas for about five weeks after her seizure, owing, as the captor has explained, to his being unable to spare an officer from Her Majesty's brig to act as prize-master of the schooner, and conduct her to this Colony. A similar delay took place in the case of the "*Diana*" (reported in our Despatch of the 23rd ultimo), seized by Her Majesty's brig "*Saracen*," off the Gallinas, owing to that cruiser being also deficient in executive officers.

As these occurrences are likely to lead to considerable inconvenience and irregularity, and the service upon which these gun-brigs are employed being imperfectly executed from a want of a sufficient establishment of officers on board of them, we beg to request your Lordship's attention thereto; the more particularly as on this second occasion the prize was employed for five weeks as a tender to the "*Rolla*," cruising against vessels engaged in the Slave Trade.

(Signed)

We have, &c.
WALTER W. LEWIS.
R. DOHERTY.

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

Enclosure in No. 56.

Report of the Case of the schooner "Porto Formoso," José Maria Carvalho, Master.

THE "*Porto Formoso*" at the time of her seizure was found to have the following official papers on board, in addition to a log-book of the voyage in which she was actually engaged from Havana to Gallinas:

1. Passport.
2. Muster-roll.
3. Bill of health.

The passport was granted by the Minister of Marine at Lisbon, on the 19th of December, 1836, to Simplicio Gago da Camara, her owner, at which time the schooner was commanded by Mariano José Mideiros, and made a voyage from Lisbon to London. The schooner continued to trade between the ports of London, Hamburg, and Havre, and the island of St. Michael's, until June, 1838; from which time until the 22nd June, 1839, there is no account of her proceedings. On the latter date we find this vessel was cleared out under the command of a new master, Pedro Medal, from Havana to the Gallinas, by the Portuguese pro-consul at Havana, Mr. Pasqual Pluma. The late master, Carvalho, was appointed on the 6th of January, 1840, as appears by the second certificate of Mr. Pluma, but on what voyage he was about to proceed is not stated. A third certificate of Mr. Pluma, dated the 23rd of July, 1840, describes the schooner as having cleared out for Monte Video.

The muster-roll of the schooner described her as being navigated by 19 persons, as having one passenger on board named João Baptista Friginal, and destined for Monte Video.

The log-book stated that the voyage commenced on the 25th of July last, and was direct from Havana to the neighbourhood of the Gallinas and Cape Mount, in sight of which latter place the log ends on the 10th of September last, a few days previous to her detention.

On the 28th of October ultimo the "*Porto Formoso*" reached this Colony, and we received from the Marshal to the Courts on the following morning a report of the circumstances attending the seizure of this vessel.

Proceedings in prosecution of this vessel before the British and Spanish Mixed Court for having a *bonâ fide* Spanish national character, and being as such unlawfully equipped, were instituted on the 29th ultimo, when the ship's papers having been duly authenticated by the seizer's affidavit, were together with his declaration filed in Court; the customary monition was at the same time issued, and the witnesses produced ordered for examination by the Registrar.

In the affidavit of seizure made by Lieutenant Charles Hall, the commander of Her Majesty's brig "*Rolla*," after all the facts of the detention of this vessel by the "*Rolla*" had been given in the usual manner, there was the following passage, which we think it necessary to quote: "And this deponent further maketh oath, that the said schooner or vessel was detained at the Gallinas after her seizure in consequence of this deponent not being able, from the peculiar duty in which he was employed, to spare an officer to send her up for adjudication; and that during the time she was so detained, this deponent received information of several vessels which were hovering about the Gallinas with the intent of shipping their slaves from that port, and he immediately sent an armed boat and a six-pounder with an officer and party on board the said schooner for the purpose of aiding him in preventing their escape; and this deponent, so soon as he was relieved by Her Majesty's sloop '*Wanderer*,' proceeded direct to this port with the said schooner or vessel."

The declaration of Lieutenant Hall sets forth that, being in Her Majesty's brig "*Rolla*," on the 16th September, 1840, in 7° 5' N. latitude and 11° 50' W. longitude, he detained the schooner "*Porto Formoso*," sailing under Portuguese colours, commanded by José Maria Carvalho, who declared her to be in the prosecution of a voyage from Havana to the Gallinas, and that he had so detained the said schooner as Spanish property illegally equipped.

CLASS A.

On the 30th ultimo, the master of this vessel was examined on the standing and special interrogatories, and deposed, that "he was born in Lisbon, and has lived during three years at Havana. Is a subject of Portugal, and has never been a subject of any other state or power. Is not married. He was appointed to the command, and had possession given to him at Havana, during the month of July last, by Francisco Morales, a Spaniard residing there. First saw the vessel there and then. Does not know where she was built. He was present at the capture. Does not know why it took place. The vessel sailed under Portuguese colours, and there was also a French ensign on board for use as a private signal. The vessel is called '*Porto Formoso.*' Never heard of her bearing any other name. She is of 95 tons burthen. There were 19 officers and mariners, exclusive of witness, one-third of them Spaniards, and the remainder Portuguese, all hired and shipped by witness at Havana when the voyage began. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There were two fore-castle passengers, both taken on board at Havana, when the vessel sailed from thence, namely, João Baptista Friginal, a Spanish seaman, and a Spanish boy whose name is unknown to witness, destined, the first to the Cape Verd Islands, and the second to the Gallinas, witness does not know on what business. Neither of the two had any interest or authority in or over the vessel or her lading. The voyage began at Havana, which was the last clearing port, and was to end at Monte Video. The vessel had touched nowhere during the voyage. The capturing ship was first seen off Gallinas, and in sight of land, at six o'clock in the morning of the 16th ultimo. Chase took place immediately, and capture at noon. Was steering for Gallinas at the time. The course was not altered, nor any additional sail made. The course prescribed by the papers, which was for Monte Video, was deviated from for Gallinas, in order if possible to procure there a cargo of slaves. No guns are mounted on board; but there were 12 cutlasses, 12 muskets, and a box of cartridges for defence against boats or 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. Francisco Morales, the Spaniard, from whom he received command and possession, is sole owner, so far as witness knows, of the vessel. He is married, and his wife and family reside with him in Havana. He knows nothing of a bill of sale, price, or transfer of the vessel. The owner of the vessel must, as he supposes, be the lader, owner, and consignee of the cargo; but it was on board before he took charge. He knows nothing of the lading of the last voyage. The present cargo consists of rice. After capture the vessel was detained by the captor, and employed as a tender during 41 days, and was then brought to Sierra Leone. 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. The vessel with respect to her employment in trade was under the management of witness. Corresponds with no one. Bulk was nowhere broken during the voyage. The hatches are not fitted with open gratings. The coamings of the hatchways are pierced to receive round iron bars, of which about 25 intended and fit for securing the said hatches are on board. There are two bulkheads, those of the cabin and fore-castle, and there are two bunks or sleeping-berths on deck. A complete slave-deck is laid fore and aft. There were 100 pairs of shackles and bolts, and 60 or 70 iron collars for chaining slaves on shore. There are leaguers and casks on board capable of receiving 70 pipes of water in all; and, with the exception of three or four, all filled with fresh water at the time of capture. They were intended to carry water for slaves. There were no tanks or staves. There were 32 mess-tins for the use of the slaves. There was one large iron boiler for cooking for slaves. There were 130 bags of rice for the consumption of slaves, and 7 or 8 of beans, and half a barrel of flour for the use of the crew. No Indian corn."

The second witness in the case, Francisco Alvarez, the cook of the detained vessel, was unable to give any information respecting the owner of the vessel and her cargo, the vessel's papers, or the nature of the voyage. His evidence, however, on the subject of the equipment of the vessel was in every respect confirmatory of the master's testimony, and proved that the questionable articles of equipment were on board for the use of a cargo of slaves, who were to have been shipped at some part of this coast near the Gallinas.

With the cook's evidence the proceedings in the case were closed, and publication thereof was given on the 30th ultimo; and the monition being returnable on the 5th instant, that day was named for the adjudication of this vessel.

The British and Spanish Mixed Court accordingly assembled on the 5th instant, and pronounced the following judgment:—

"This is the case of a vessel navigated under the flag and pass of Portugal, seized as Spanish property, and as such prosecuted before this Court for being unlawfully equipped. On this occasion we have but little difficulty in deciding what national character should be held to belong to the schooner '*Porto Formoso.*' although when seized she was navigating under a perfectly regular Portuguese passport, and which she had apparently carried since December, 1836. The evidence of the master goes to establish that the schooner is owned by a Spaniard residing with his wife and family in Havana, named Francisco Morales; and although this statement has not been confirmed by the second witness, who has pleaded ignorance on this point, and although it be in opposition to what is stated in the passport, the original owner, Simplicio Gago da Camara of Lisbon, appearing still in that character, we are however disposed to consider Morales as the owner of this vessel, for the passport shows that the present is the third voyage in which this vessel has been engaged from and to the port of Havana, thereby establishing a course of Spanish trade which would of itself lead to the impression of there being in that port some resident directly interested in the vessel, and who was acting as her owner, if the owner himself be not actually living there; and we are therefore willing to credit this statement of the master as to the Spanish ownership from the appearance of truth which it carries with it. A Spanish national character has therefore, in the opinion of the Court, been proved for this vessel, as well by the residence of her owner as by a course of trade; and her prohibited equipment having been avowed by the master and his cook as on board for the use of slaves, we declare the schooner '*Porto Formoso.*' and her cargo good prize."

We have, &c.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

Sierra Leone, November 6th, 1840.

No. 57.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 26, 1841.

WITH reference to your Despatch of the 23rd September, 1840, reporting the case of the Spanish brigantine "*Diana*," condemned in the Mixed British and Spanish Court of Justice on a charge of having been concerned in Slave Trade; I herewith transmit to you for your information the accompanying copies of a correspondence which has passed between Her Majesty's Minister at Madrid and myself upon the subject in question.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 57.

Viscount Palmerston to Mr. Aston, December 27, 1840.

(See Class B., 1840, No. 28, p. 24.)

Mr. Aston to Viscount Palmerston, Madrid, February 8, 1841.

(See Class B.)

No. 58.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

February 27, 1841.

WITH reference to your Despatch of the 23rd September, 1840, reporting the condemnation of the Spanish schooner "*Sirena*," upon a charge of being equipped for Slave Trade; I herewith transmit to you for your information a copy of an instruction which I addressed upon this subject to Her Majesty's Envoy at Madrid, with the copy of the representation which Her Majesty's Envoy made to the Spanish Government in pursuance of that instruction.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 58.

Viscount Palmerston to Mr. Aston, December 28, 1840.

(See Class B. 1840, No. 29, p. 24.)

Mr. Aston to Viscount Palmerston, February 8, 1841.

(See Class B.)

No. 59.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 30, 1840.*

MY LORD,

(Received March 8, 1841.)

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 11th August last, informing us that the Queen's Advocate is of opinion that the Mixed British and Spanish Court of this colony would have been justified,

under all the circumstances of the case of the schooner "*Jago*," in having allowed the prosecution of that vessel in the said Court as property having a Spanish national character, and as such equipped for the Slave Trade, and that had the Court proceeded to the adjudication of the "*Jago*," the Queen's Advocate is also of opinion that proof would have been afforded of the correctness of the above-mentioned charges, and consequently of her liability to condemnation.

For this communication we beg to offer our thanks to your Lordship.

We have, &c.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

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

No. 60.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.

(Received March 8, 1841.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 8th September last, acquainting us that the Despatch and its enclosures of Her Majesty's Acting Commissioners, reporting the condemnation of the brig "*Eliza Davidson*," had been laid before Her Majesty's Advocate for his opinion thereon, and that he had reported to your Lordship that the decision of the British and Spanish Mixed Court in that case was correct.

We have had much satisfaction in learning that Her Majesty's Advocate considers the Court to have been justified in pronouncing a sentence of condemnation upon the "*Eliza Davidson*."

We have, &c.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

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

No. 61.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.

(Received March 8, 1841.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 10th of September last, respecting the case of the Slave Vessel "*Florida*," seized under American colours, and acquainting us that in the opinion expressed in this case by Her Majesty's Acting Commissioners, in March last, respecting the paper which showed the "*Florida*" to be Spanish property, they had attached undue importance to the fact of that document not being one of the ship's papers; and that the Queen's Advocate had reported to your Lordship on this subject, that the circumstance does not carry with it the consequence which the Commissioners apprehended. 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 that it proved, especially when taken in conjunction with the declaration and conduct of the pretended owner of the "*Florida*," that that vessel was in reality Spanish, and her ship's papers false and colourable.

Whenever a case like that of the "*Florida*" may again come before the

Mixed Courts, we shall take care to keep in view the legal opinion which your Lordship has been so kind as to afford us.

(Signed)

We have, &c.
WALTER W. LEWIS.
R. DOHERTY.

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

No. 62.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 14, 1840.

(Received March 8, 1841.)

MY LORD,

ENCLOSED we beg to forward to your Lordship our Report of the case of the brigantine "*Vanguardia*," Manuel Irguierdo, master, a joint seizure of Her Majesty's vessels of war "*Wanderer*" and "*Rolla*."

It has seldom been our duty to report a more complete case of unlawful equipment than that afforded in this instance, the master himself and one of his sailors having admitted that there were in the vessel four bulkheads, two of them for separating slaves; a slave deck laid fore and aft; a large quantity of leaguers, mess-tins, and rice for slaves, besides two iron boilers.

By the ship's papers, the "*Vanguardia*" should have made a voyage to Trinidad de Cuba; but this destination was only fictitious, the Gallinas being the real place intended to have been visited, near to which the detention took place on the 11th of November, about a month after the vessel's departure from Cadiz.

The prize arrived in this harbour on the 1st instant, and the prosecution, having been instituted on the day following, came to a close on the 9th, when a sentence of confiscation was duly recorded against her.

We would again respectfully draw your Lordship's attention to the negligent, and consequently injurious mode in which articles of equipment, such as water-casks, planks, &c., have been in this instance cleared out at Cadiz, without any adherence to the stipulations of the treaty of June, 1835.

In the late case of the brigantine "*Diana*," we brought under your Lordship's notice a similar instance of the custom-house authorities at Cadiz having cleared out a regular slaving-equipment for that vessel. On that occasion, however, it seems that security was taken from the consignee of the "*Diana*," that the said equipment should be proved by certificate from the customs at Trinidad de Cuba to have been actually landed within a year in that port. The object proposed to be secured by this arrangement is not very intelligible; unless, indeed, it was intended to screen the actual owners of the "*Diana*" from the penalties which should fall upon them under a faithful execution on the part of Spain of the treaty of 1835; for had the voyage of the "*Diana*" proved a successful one, she would no doubt have landed, for a time at least, at Trinidad de Cuba, her prohibited equipment, and as a matter of course, without any inquiry into the use to which those articles had been applied on her voyage thither, the requisite certificate would have been granted.

In this case the custom-house functionaries at Cadiz have been content to take a mere promise from the master of the "*Vanguardia*," respecting the landing in Cuba of her questionable equipment.

The "*Vanguardia*" was captured on the 11th of November ultimo, and did not reach this port until the 1st inst., a period much longer than was necessary for her to have come hither from the place of capture, the neighbourhood of the Gallinas. It appears, however, that this time was occupied by her visiting the Gallinas, and there embarking, for conveyance to this colony, the greater portion of 841 slaves, whose freedom the commander of the "*Wanderer*," the Honourable Joseph Denman, had succeeded in inducing the King or Chief Seacca to grant, and to secure which to these hitherto unfortunate people Captain Denman wished to place them in the hands of the governor of this place; an object in which we are very happy to be able to add he has been successful. The negroes thus liberated from slavery belonged, we believe, to

the factories maintained at the Gallinas by foreigners, and which have lately been confiscated and razed to the ground, in consequence of some acts of aggression on their part, under the orders of King Seacca.

We sincerely hope that the late destruction of that stronghold of the Slave-Traders, the Gallinas factories, will prove permanent, and that this part of the coast will be benefited by a lawful commerce being there substituted for the traffic in slaves.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

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

Enclosure in No. 62.

Report of the case of the Spanish Brigantine "Vanguardia," Manuel Irguierdo, master.

Sierra Leone, December 14, 1840.

THE "*Vanguardia*," when seized, was found to have the following papers on board:—

1. Royal passport.
2. Muster-roll.
3. Clearance and manifest.
4. Fort-pass.
5. Bill of health.
6. Bill of sale.
7. Log-book.

From these documents we learned that this vessel was originally called the "*Ensayador*," owned by Antonio Artin, of Havana, who sold her on the 4th September, 1840, through the agency of José Astara, the master of her, to Ildefonso Garcia, of Cadiz, by whom she was re-sold on the 29th of the same month for 137,595 reals vellon (1433*l.*), to Manuel Irguierdo, her late-master, who changed her name to "*Vanguardia*." This vessel then obtained a royal passport for general navigation at Cadiz, on the 6th October, 1840, which was to be in force for three years from that date, and upon which there is a note expressing that the master had been duly made acquainted with the royal edict prohibiting the traffic in Slaves, as well as with the penalty which attaches to a breach of the said law. The burthen of the brigantine is stated to be 111. tons, and her crew to comprise 30 persons, 10 of whom are described as boys. The cargo with which this vessel cleared out at Cadiz for Trinidad de Cuba consisted of a few goods for trade, 107 sacks of rice, 35 casks, equal to holding from 90 to 100 pipes of water, which were "*shipped to serve for ballast*," 65 planks, 11 joists, and a case of 40 tin plates. The water-casks, planks, and joists (slave-deck), and tin (mess) plates, were all entered together in a separate cocket at the custom-house, and in the general clearance there is the following note, which may be considered as intended to apply directly to the above-mentioned very questionable shipment, though it is far from satisfying the terms of the treaty of June, 1835, between Great Britain and Spain:—

"The master of the vessel has hereunto put his signature, promising to bring with him on his return, within one year, a certificate of having landed at the port of his destination the articles mentioned in this register, or be fined according to law."

The "*Vanguardia*" sailed from Cadiz on the 8th October, 1840, bound ostensibly to Trinidad de Cuba, but really for the Gallinas, to which place she pursued a direct route on leaving Cadiz, and which she had nearly reached on the 11th November last, when her detention took place by Her Majesty's ships "*Wanderer*" and "*Rolla*."

The captured vessel arrived in this harbour on the 1st December instant; which fact, together with the circumstances attending her seizure, were immediately reported to the Court by the Marshal.

The prosecution of the "*Vanguardia*" was commenced on the 2nd instant, when the captor's declaration, and the vessel's papers authenticated by the prize officer, were filed in the British and Spanish Mixed Court; the usual monition was issued, and the witnesses produced were ordered for examination on the standing and special interrogatories, by the Registrar.

The declaration of the seizor was as follows:—"I, Joseph Denman, commander of Her Majesty's sloop '*Wanderer*,' having Her Majesty's brig '*Rolla*' in company, hereby declare that on the 11th day of November instant, being in or about latitude 7° 6', longitude 12° 17', I detained the Spanish brigantine '*Vanguardia*,' armed with 2 guns, 24-pounders, commanded by D. Manuel Irguierdo, who declared her to be bound from Cadiz to Gallinas, with a crew consisting of 30 men, whose names, as declared by them respectively, are inserted in a list at foot hereof.

"I do further declare that the said vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the said crew on their destined voyage to Gallinas, and that she is in every respect equipped for the purpose of receiving a cargo of slaves."

In the usual affidavit of the prize-officer respecting the facts of seizure, and the circumstances which have taken place on board the prize subsequent to her detention there, occurred the following passage, explanatory of the fact of the vessel having arrived in this port full of negroes, although there were none on board at the time of seizure: "About 800 slaves were placed on board the said vessel at the Gallinas for passage to this place, the same having been liberated by the King of that place, and delivered over to the said Commander Denman."

Manuel Irguierdo, the Master of this vessel, was examined on the 3rd instant, and deposed as

follows: "He was born in Seville, where he has always lived. Is a subject of Spain, and has never been a subject of any other State or Power. Is not married. He appointed himself to the command, and took possession in the month of October last, at Cadiz. First saw the vessel there and then. Thinks she was built in France. 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 '*Vanguardia*.' Never heard of her bearing any other name. She is of 130 tons burden, or thereabouts. There were 28 officers and mariners exclusive of witness, all Spaniards, and all hired and shipped by witness at Cadiz in October last. None of the officers or mariners had any interest in the vessel or lading, except witness, who 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 Trinidad in Cuba. The vessel touched nowhere during the voyage. The capturing ships were first seen off Gallinas, and in sight of land, on the 11th ultimo, the '*Wanderer*' at 6, and the '*Rolla*' between 8 and 9 o'clock in the morning. Chase by the '*Wanderer*' took place as soon as she appeared; and capture by a boat from the '*Rolla*' at 3 o'clock after noon. Was steering for Gallinas at the time. The course was altered and all sail made. The course as prescribed by the papers was for Cuba direct; but witness took it on himself to proceed first to the coast for a cargo of slaves. Two guns, 18 pounders each, are mounted on board; and there were 16 cutlasses, 20 muskets, 3 pairs of pistols, and 50 pounds of ammunition. The vessel was armed in this way when purchased; and lest they should encounter piratical boats, or risings of the slaves, she was allowed to remain so. 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 himself was the sole owner of the vessel. A bill of sale was made in his favour at Cadiz, in October last, by Don Alfonso Garcia, in presence of three witnesses, whose names witness does not recollect. Last saw this document on board the vessel when he delivered it to the captors. The price was 6200 dollars. It was paid, and was a fair equivalent. The transfer was a true one, and there were no private agreements. He himself is 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 carried into and anchored at Gallinas, and eighteen days thereafter brought 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 or goods are not insured. With regard to her employment in trade, the vessel was under his own management. Bulk was nowhere broken during the voyage. Nothing was taken out of the vessel at the time of capture. He and the detained crew have been very ill used since the capture, by him, the Master, being removed from his vessel on board the man-of-war contrary to Treaty; by not having good provisions allowed them; and by himself having had his person stripped and searched by the Commander before others on deck, and treated with as little consideration as he would have received from pirates. The hatches are not fitted with open gratings. The coamings of the hatchways are pierced to receive round bars, of which thirty are on board, fit and intended for securing the hatches. There are four bulk-heads, those of the cabin and fore-castle, one on the half-deck, and one in the hold, the two last being intended to separate slaves according to age and sex. There are two bunks or sleeping berths on deck. There are four or five spare planks on board, remaining from a quantity used in making a slave-deck. A complete slave-deck is laid fore and aft. There are no shackles, bolts, or handcuffs. There are leaguers and casks on board capable of receiving ninety-five pipes of water in all, all filled with fresh water at the time of capture, and intended to carry water for slaves. There were forty mess-tins for the messing of slaves. There were two large iron boilers for cooking for slaves. There were forty or fifty bags of rice on board as cargo, and intended for the use of slaves."

Antony Martin, one of the seamen of the "*Vanguardia*," was the second witness in the case, and was examined on the same day as the Master. Martin's testimony was generally confirmatory of every material point in the evidence given by the Master. He, however, gave a directly contradictory account respecting the ownership of both the vessel and cargo, to that derived from the ship's papers and evidence of the Master, swearing positively that Pedro Martinez and Company, of Cadiz, were the proprietors of the "*Vanguardia*" and her cargo. This witness also contradicted the Master's statement that "nothing was taken out of the vessel at the time of capture," by declaring that "seven razors, seven or eight fishing lines, a harpoon and a grainge, four marlines, two cheeses, one ham, two sail-maker's bags with tools, one pair of trousers painted, and five tooth brushes, were taken out of the vessel at the time of capture, by the seamen of the '*Wanderer*;' with twelve rolls or pieces of spun-yarn, two jugs of sweet oil, and a harness cask, and all the pork in the vessel, with which that cask was filled by the seamen of the '*Rolla*.'"

Publication was granted on the 3rd instant.

On the 5th instant two affidavits were filed in reply to the charges which had been preferred against the officers and crews of the capturing vessels. One of these replies was from Mr. Midshipman Pickard, of Her Majesty's sloop "*Wanderer*," who swore that he conducted the search of the person of the Master of the "*Vanguardia*," and that the boatswain and the serjeant of marines of that ship were present on the occasion; and that the said search was made behind a canvass screen specially erected under the fore-castle of the said ship, for this purpose.

The affidavit of Lieutenant Tracey, the prize officer, stated that the Master of the detained vessel and himself had the same description of provisions for their use. That he was "positive none of the articles which are stated to have been taken from the brigantine at the time of seizure by the seamen of the '*Wanderer*' were removed, as this deponent was extremely particular in examining the boats as they left the brigantine." Lieutenant Tracey could not reply to the charge against the crew of the "*Rolla*'s" boat, as she boarded the brigantine before he did; but he deposed to the fact of there having been a quantity of pork in the harness cask of the vessel when he took charge, that some of it was used on the voyage up, and some was left on his giving up charge of this vessel.

The monition, which had been issued in this case on the 2nd instant, was returned on the 9th instant certified to have been duly served, on which latter day the Court met for the adjudication of this vessel.

Before pronouncing judgment in the case, the Court remarked upon the charges which the witnesses had preferred against the captors, and the satisfactory replies which had been made thereto, declaring its conviction that that part of them which referred to the officers and men of the "*Wanderer*" had been proved to be without foundation; and that they had no doubt, had the testimony of the "*Rolla*'s"

officers been obtainable, it would have shown the remaining part of these charges to be equally groundless as those preferred against the "Wanderer's" officers and men.

The charge on which this vessel had been prosecuted had been so clearly established by the admission of both the witnesses, that the Court considered it unnecessary to make any remark thereupon, and therefore briefly declared the vessel and goods to be confiscated.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

No. 63.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 16, 1840.

(Received March 8, 1841.)

SIR,

WE have the honour of acknowledging the receipt of your Despatch of the 25th of October last, forwarding to us the copies of four despatches from Her Majesty's Commissioners at Havana, containing reports on the Slave Trade at that place for the months of April, May, June, and July of this year.

Of the 31 vessels described by the Commissioners as having left Cuba for this coast, we are unable to give an account of more than three of them, which have been condemned here, viz. the "*Olimpa*," "*St. Paolo de Loando*," and the "*Plant*."

The lawless and piratical conduct of persons connected with the Slave Trade, which the Havana Commissioners represent as existing in their vicinity, we regret to observe, from the late communications from the Cape Verds, of Mr. Consul Rendall, is apparently beginning to exhibit itself on this coast, where the slave vessels and their crews are, as we learn from Mr. Rendall, to fill up the time which elapses between their arrival out and the collection of their human cargoes, in acts of piracy.

That this disposition prevails to a great extent amongst those persons engaged in the Slave Trade we can have little doubt, from the irritation generally observed among the crews of captured slave vessels brought to this colony, and the expressions to that effect openly used by them here.

We observe that the Havana Commissioners have made a similar suggestion to that contained in the Annual Report for the year 1838 from this Commission, that the crews of captured and condemned slave-vessels should be held in custody until opportunities offer of sending them to their respective Governments to be punished according to their own laws. If such persons could be sent in all cases to Europe for trial, it would at least have the good effect of removing them to a great distance from their usual haunts and many of their slaving connexions; and it may be expected that, if punishment was not ultimately to be decreed by their own Governments, the losses and sufferings they would undergo between the time of capture and the decision of their cases in Europe, would have the effect of deterring some of them from returning to their former occupation, and of increasing the expenses attendant in manning slavers.

The evil effects upon the social habits and feelings of the population of this colony, and of the liberated Africans in particular, from so many dissolute, unprincipled foreigners as are landed here from captured slave-vessels being at liberty freely to reside amongst them as they now do, are, we regret to state, observable at present; and, if the system be continued, permanent injury must, we fear, be apprehended. We should, therefore, on this account, be well pleased if his Lordship would sanction the measures in question, or such other measures as may appear better calculated in his Lordship's opinion for accomplishing the desired object.

We have, &c.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

J. Backhouse, Esq.

&c. &c. &c.

No. 64.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 7, 1841.

I HEREWITH transmit to you, for your information, copies of two Despatches from Her Majesty's Commissioners at the Havana, containing Reports of the state of Slave Trade at that port for the months of December, 1840, and January, 1841.

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

I am, &c.

(Signed)

PALMERSTON.

Enclosure in No. 64.

Havana Commissioners' Despatches of January 22 and February 15, 1841.

(See No. 140, and 142.)

No. 65.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 31, 1840.**(Received April 13, 1841.)*

MY LORD,

WE have the honour to forward to your Lordship our Report of the case of the schooner "*Reglano*," Manuel Fernandez, master, condemned in the British and Spanish Mixed Court for having on board, when seized by Her Majesty's sloop "*Wanderer*," on the 10th of December, 350 slaves, shipped at Seabar, river Sherbro, to supply the Cuba market.

A Spanish merchant, named Estevan Diaz, owned the "*Reglano*," and fitted her out at Havana for the present contraband adventure in October last. From that port the vessel came to the coast, touching at the Cape Verds for provisions, and was so far successful as to have embarked her return cargo of negroes within two months of her departure from Havana. At this period, as above stated, the guilty intentions of the slaver were happily arrested by capture.

The usual prosecution ensued on the arrival of the prize in this harbour, and terminated on the 23rd of December, on which day a sentence of condemnation was passed upon the vessel, and the 348 surviving slaves at the same time received the benefits of a decree of emancipation.

We have, &c.

(Signed)

WALTER W. LEWIS.
JOHN JEREMIE.

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

Enclosure in No. 65.

*Report of the case of the Spanish schooner "Reglano," Manuel Fernandez, Master.**Sierra Leone, December 31, 1840.*

On the 6th of October, 1840, the Spanish authorities of Havana granted to this vessel the usual ship's papers, viz.,

1. Royal passport.
2. Fort-pass.
3. Muster-roll.
4. Custom-house clearance.

The last two papers alone make mention of the destination of the "*Reglano*," which is set down as the Cape Verd Islands, where the log-book (No. 5) shows the vessel actually touched in the course of the voyage for provisions.

After the shipment of the outward cargo at Havana, the voyage commenced from that port in the month of October; and although, as above stated, the Cape Verds were visited, Seabar, in the river Sherbro, proved to be the place at which the outward cargo was eventually disembarked, and slaves, to the number of 359, purchased and shipped in return. At this critical time, when all was in

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readiness to recross the Atlantic with this human freight, Her Majesty's sloop "Wanderer" fell in with the slaver off Seabar, and there took possession of her on the 10th ultimo.

The prize arrived in this port on the 15th of the same month, and of this circumstance, as well as of the nature of the seizure, and the health of the negroes, the Court received due information from the respective reports of the Marshal and Surgeon. Fortunately not a single death had occurred amongst the 350 slaves between the capture and arrival of the prize here, and still more gratifying was it to learn that "the general aspect of these people was uncommonly healthy." Their landing, however, took place without loss of time, as any longer detention on board a close and confined slave-vessel might have led to consequences fatal to some of the negroes.

The captor's proctor instituted proceedings in prosecution on the 16th ultimo, having received permission to file the declaration, the ship's papers properly authenticated, and the affidavit of seizure. At the same time the monition issued, and the Court directed the examination of the witnesses to be taken.

The declaration of the Hon. J. Denman, Commander of Her Majesty's sloop "Wanderer," sets forth, that the capture took place on the 10th of December, off Seabar, the vessel being bound thence to Havana, and that there were then on board 350 slaves, shipped on the 6th of the same month.

On the 18th of December the master, Manuel Fernandez, deposed that "he was born in Havana, where he has always lived. Is a subject of Spain, and has never been a subject of any other state. Is married, and his wife and family reside with him at Havana. Was appointed to the command and had possession given him at Havana, in September or October last, by Estevan Diaz, a Spaniard, as witness thinks, living at Havana. First saw the vessel there and then. She was built in Havana. Was present at the capture, which took place because the vessel carried slaves. The vessel sailed under Spanish colours, and there were no others on board. The vessel is called the '*Reglano*.' Never heard of her bearing any other name. Thinks she is of 77 tons burden. There were 21 officers and mariners, exclusive of witness, all Spaniards, and all hired and shipped by witness at Havana in October last. Neither he nor any of the officers or mariners had any interest in the vessel or lading. Was master on board. There were 18 passengers, whose names are unknown to witness, all Spaniards and seamen taken on board at Seabar on the 8th instant, and destined to Havana; 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 port of clearance. The vessel touched at Porto Praya, Cape Verd Islands, for water and provisions; and at Seabar for a cargo of slaves, which was procured there. The capturing ship was first seen off Seabar at half an hour after noon on the 9th instant. Was steering for Cuba at the time. Chase took place immediately, and capture at five o'clock on the following morning. The course was altered and all sail made. The course as prescribed by the papers had been always adhered to when the weather would permit. One pivot gun, an 8-pounder, is mounted on board, and there were 11 cutlasses, 20 muskets, and 100 lbs. of ammunition. The vessel was so armed for defence against piratical vessels and against risings of the slaves. 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. Estevan Diaz, from whom witness received command and possession, was the sole owner of the vessel. Cannot state positively where he was born, but thinks he is by birth a Spaniard. Does not know if he be married, or how long he has lived in Havana, or where he may have resided previously. Knows nothing of any bill of sale. Thinks the price was 9500 dollars. Believes it was paid; but does not know if it was a fair equivalent, or if the transfer was a true one. The owner of the vessel was the sole owner, so far as witness knows, of the outward cargo and of the slaves. The slaves were to be delivered on the Havana Coast for the real account, risk, and benefit of this person. Believes it because he had no dealings respecting the adventure with any other individual. This is the vessel's first voyage. There was an outward cargo of rice. The number of slaves taken on board was 359, whose descriptions witness cannot give; all embarked at Seabar, and all from the shore. 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. Does not know if the vessel or goods are insured. With respect to her employment in trade the vessel was under the management of witness. Nothing was taken out of the vessel at the time of capture. A quantity of cabin plates, provisions, candles, blocks, the mate's charts, and the covers, mounted with brass, of the gun and of the powder magazine were taken from the detained vessel since her arrival in harbour by a petty officer of the capturing ship, as witness has been informed by the mate. He and the detained crew have been well treated."

The second witness, Juan Roman, the cook, did not afford evidence of so full a nature as that given by the master; nor could it reasonably be expected that, from his station on board, such would have been the case. With the owner's name he was acquainted, as well as with the immediate history of the voyage; but as to the price or transfer of the vessel, and her papers, or as to the person who gave the command to the master, the cook professed entire ignorance. In one point, however, there is a discrepancy between his evidence and that of the previous witness, for he declares, on the question of removal of stores from the detained vessel, that "nothing has been taken out of the vessel since capture."

Publication of the foregoing evidence was decreed on the 17th of December. This proceeding made the captor's proctor acquainted with the charge of robbery brought against his client, to rebut which he presented an explanatory affidavit of the prize officer, Lieutenant Tracy. From this document it appeared, that all the articles enumerated by the master, except the top of the powder magazine, provisions, and the mate's charts, had been abstracted by the prize-crew without the privity or consent of Lieutenant Tracy; but that he, on the moment of being made cognizant of the master's statement, immediately re-possessed himself of them, and placed them in the custody of the Marshal of the Court. Respecting the provisions said to have been removed by the prize-crew, Lieutenant Tracy explained that they consisted only of their savings from the naval rations issued to them on joining the prize. The charts, it appeared, had not been removed, but were then in the cabin of the vessel, and in charge of the Marshal.

On the 23rd of December, the day of the expiration of the monition, the Court sat for the trial of the "*Reglano*." With respect to the charge against the prize-crew of carrying off property from the prize, the Court deemed the restitution of a portion of it to a certain extent satisfactory; but at the same time remarked that the practice of removing any article from a prize was open to reprehension.

Lieutenant Tracy's explanation of the top of the magazine not being forthcoming was also admitted, since the Court did not think fit to allow the correctness of the master's allegations that its absence was caused by the prize-crew. It now only remained to record a sentence of condemnation against the "*Reglano*," and to decree the freedom of the 348 surviving slaves out of the 350 originally captured.

(Signed) WALTER W. LEWIS.
JOHN JEREMIE.

No. 66.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.

(Received April 13, 1841.)

MY LORD,

WITH reference to our Despatch of the 7th of February, 1840, respecting the presentment of the case of the schooner "*Clara*" in the British and Spanish Mixed Court, and the eventual postponement of her adjudication, in consequence of the non-appearance here and doubtful fate of the vessel, we now beg leave to enclose to your Lordship our Report of the case of the "*Clara*," which was concluded this day by a sentence of condemnation. We were enabled to come to a final decision in this matter from having lately received evidence of the existence of the "*Clara*," in a correspondence between the Admiralty, the commander-in-chief, and commodore of the West Indian Station, and the captor; as well as in Captain Douglas's certificate of the present condition of the prize, which had been hauled up near the naval yard of Port Royal, Jamaica, in consequence of her unseaworthiness rendering her unfit to perform the voyage across the Atlantic to Sierra Leone.

The case of the "*Clara*" bears strong marks of resemblance to that of the "*Eagle*" (reported in our Despatch of January 20, 1840) up to the time that the latter perished in the gale of wind off Bermuda, on her way hither. Both were disguised by a false nationality, ostensibly American, but really Spanish; each was found with Spanish as well as American papers; they shipped their outward cargoes at Havana, and sailed thence under the navigation of a crew chiefly Spanish, and with an American captain of the flag on board, to endeavour to keep up an American appearance; the one like the other encountered the same difficulties in prosecution, having been rejected by the government of the United States, and by the Vice-Admiralty Court at Bermuda; in both the cases neither the vessels themselves nor the witnesses made their appearance here; and, finally, the grounds of condemnation in the one case assimilated closely to those in the other.

The "*Clara*" sailed from the Havana in the month of November, 1839, with an ostensible destination to St. Thomas's, on the Equator, having a cargo on board embarked by the Spanish supercargo, according to the custom-house clearance, and according to the bill of lading, on account of the well-known Havana firm of Pedro Forçade and Company.

On the 18th of March, 1839, this vessel was detained by Her Majesty's brigantine "*Buzzard*," for adjudication here, as a vessel with a *bonâ fide* Spanish nationality, and as such illegally equipped. The seizer was not, however, allowed to carry out his intention, as the senior naval officer directed the prize to be conveyed to New York for delivery to the government of the United States, as previously mentioned.

All the American papers, including even the mutilated United States' register, found on board this vessel, were authenticated at Havana by the American vice-consul, Mr. J. A. Smith. Among the Spanish documents found in this vessel there were a log and several letters written in the river Nun. Nothing could have been more fortunate than the production of the latter, establishing clearly as they did the real Spanish character of the expedition of the "*Clara*." Nor was this all: to these last papers we have been indebted for the discovery of the illegal occupation of the supercargo and mate of the prize, in collecting slaves for her return cargo, whilst that vessel remained quietly at anchor in the river Nun.

These facts, added to a Spanish course of trade, and the important circumstance, that from the ship's papers of the "*Clara*" no national character was

fairly derivable, rendered it impossible to attribute to her any other than a Spanish nationality. The American master's admissions of the fraudulent character of the whole of the American papers, as contained in the sworn declaration of the captor, although not direct and admissible evidence, afford strong corroboration that such was the "*Clara's*" *bonâ fide* character.

The equipment of the "*Clara*" for unlawful purposes could only be learnt from the captor himself in the absence of both vessel and witnesses. However, as this evidence rested upon a sworn declaration of the captor, and upon the fact that the presence of such articles could alone form just grounds of seizure, it could not be rejected, supported also as it was by the reasonable inferences from the proved fact of a cargo of slaves having been in the course of collection for the "*Clara.*"

A Spanish nationality and an illegal equipment having been thus proved, a sentence of condemnation was passed upon the "*Clara*" on the 31st of December, 1840.

Mr. Francis T. Montell of Baltimore appears to have been the American owner of the vessel.

At the adjudication of the "*Clara,*" his Excellency Sir John Jeremie, the Acting Commissioner, felt it his duty to avail himself of that the first opportunity which had offered to state publicly his professional opinion on the points mooted in the case of the "*Mary Anne Cassard,*" and which bore so strongly on that of the "*Clara.*" His Excellency fully concurred with the Queen's Advocate-General's report, as will be seen by a copy of that opinion herewith transmitted.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

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

First Enclosure in No. 66.

Report of the Case of the Schooner "Clara," Samuel B. Hooker, Master.

Sierra Leone, December 31, 1840.

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

1. A mutilated United States register for the schooner "*Clara,*" forming one moiety of the said paper, which had been cut through from the left-hand corner at the top to the right hand-corner at the bottom, in order to invalidate the document, as is usual when American vessels are sold to foreigners.

On the back of this paper there is a certificate of the American vice-consul, Mr. Smith, without his official seal, bearing date at Havana, the 31st of October, 1838, and stating that Samuel B. Hooker had superseded William W. Huffington as master of the "*Clara.*"

2. The bill-of-sale of this vessel, which has been affixed by a common wafer to the aforesaid *mutilated moiety of the original* register, expresses that the above-named William W. Huffington was the agent of the owner of the "*Clara,*" Mr. Francis T. Montell of Baltimore, State of Maryland, and had sold her to Hooker for 6000 dollars. The schooner is described as being 97 11-95th tons burthen. This document was signed at Havana on the 26th of October, 1838, on which day the American vice-consul officially certified to the due execution of the transfer.

3. Is a muster-roll, which states the crew to consist of 4 Americans and 4 Spaniards, and that the vessel was bound to the coast of Africa. The vice-consul, Mr. Smith, certified to the verification of this roll in his presence on the 7th of November, 1838.

4. Manifest of the "*Clara's*" cargo, stating that Eugenio Viñai, the supercargo, had shipped on the 7th of November, 1838, with the destination of St. Thomas's, 25 pipes of spirits, 120 barrel-hoops, 80 kegs of powder, 210 muskets, and 69 rolls of tobacco.

5. Bill of lading, dated Havana, November 14th, for goods shipped on board the "*Clara*" by Pedro Forçade, and consigned to Rodrigo Gonzales at St. Thomas's. In addition to the articles mentioned in the above clearance, the bill of lading refers to 32 bales of cotton goods, a quantity of beads, 200 cane-knives, and 200 looking-glasses, being on board; and the master, Hooker, by his signature certified to its correctness.

6. A trade-book, containing the account of the receipt of slave-provisions and 62 slaves at the baracoon in the river Nun, the latter, no doubt, destined to form a part of the return-cargo of this vessel, as the account appears to have been kept by the Spanish supercargo of the "*Clara.*"

7. The log-book of this vessel, written in English by Hooker, the master, describes her as having left Havana on the 14th of November, 1838, and as making the African coast at Cape Mesurado on the 28th of December following. The "*Clara*" touched at Garraway, on the Grain Coast, for two days, and then proceeded to the Nun, where she arrived on the 23rd of January, 1839. Up to the 1st of March the "*Clara*" remained at anchor in the Nun; and from the absence of the Spanish supercargo on shore, as noticed in the log, it appears that whilst the vessel herself continued thus unoccupied, he was then engaged in the purchase and collection of a return-cargo of slaves.

Besides this log, there was a log-book kept in Spanish by the mate, Panasco, containing accounts of

his several voyages at different periods, in the years 1836, 1837, and 1838. Each treats of the adventures of separate vessels, the "*Neptuno*," "*Diamante*," "*Barbara*," and "*Gabriel*;" and in the latter case, from the notorious character of the vessel, and the fact of the voyage having been ostensibly to Prince's Island, little doubt can exist as to the illegal employment in which she was engaged. In all these voyages Panasco acted as mate, until at last he embarked on board the "*Clara*" as first pilot. His account of the "*Clara's*" voyage agrees with that given by Hooker's log.

8. Is a code of signals.

9. A certificate of the American citizenship of Samuel B. Hooker, to whom it was granted at New York on the 21st of August, 1838, by the collector of customs.

Amongst the remaining papers are seven letters, written in the river Nun by the Spanish supercargo of the "*Clara*," Eugenio Viñai and José de Egeo, to Tomas G. Panasco, who seems to have been the Spanish mate, and left in charge of the vessel, whilst the supercargo ascended the river and endeavoured to purchase a cargo of slaves. The letters are dated in January and February, 1839. Nothing could more clearly indicate the intended guilty employment of the "*Clara*" than the general purport of these letters, passing as they did between the principal parties engaged in the adventure of the vessel. That Viñai, during his stay up the Brass river, was actively and anxiously occupied in buying negroes, every one of his communications to Panasco distinctly proves. In the first he says, when complaining of the "numerous feasts and the drunken state" of the natives,—"*Pedro ought not to have detained the canoe so many days; it might have put on board what slaves I have on hand.*" Again, in the same letter, I am already promised four [slaves] before long." "*At present they are only to be purchased for spirits and tobacco.*" Another letter shows that the promise of getting four slaves had been actually fulfilled. In a third Viñai advises Panasco of his having forwarded on to him "six slaves from Quimbocoy, one from Calebar, and two from Pedro." At the same time he complains much of the difficulty of making a good selection of negroes, and of the expense incurred on every occasion of making visits to inspect slaves put up for sale. His hopes, however, of a successful adventure are by no means slight; for after writing the above, he tells his partner in guilt, with much confidence, that "our cargo of slaves ought to be good, as I have used every care in the selection; and they are principally from Calebar and Bonny, from which places they are always considered good." The number of slaves, as it would appear, being nearly completed and ready for shipment, Viñai next sends instructions to the mate to lay in a stock of farina and yams, and gives him general suggestions as to the proper mode of diet. In the last letter, however, other opportunities having occurred of adding to the slaves already collected, Viñai makes Panasco acquainted with this circumstance, sending him at the same time several articles of provisions.

Such are the contents of the supercargo's correspondence with the first mate. The seventh letter from José de Egeo is of minor importance, although it makes some allusions to Slave-trading transactions.

Of the private papers but one remains to be noticed, and that is the agreement between "King Quinford and the captain of the *Clara*," as to the quality and quantity of the very large presents to be given by the latter to the former, according to the usual custom prevalent along the whole of the African coast.

Viñai, the supercargo and real Spanish master, having nearly completed his purchases, and his mate having already received a large quantity of provisions on board, Her Majesty's brigantine "*Buzzard*," Lieutenant Fitzgerald, commanding, appeared off the Nun, and, after a search, detained the "*Clara*" on the 19th of March, 1839, for being unlawfully equipped for the Slave Trade.

Before entering into a detailed account of the proceedings in prosecution, as instituted before the British and Spanish Mixed Court in January and December, 1840, it will be necessary to describe the steps taken by Lieutenant Fitzgerald with regard to his prize, in order to explain the reasons which caused so long an interval to elapse between the capture of the "*Clara*" in March, 1839, and her prosecution in January, 1840.

After seizure the captor had originally intended to have dispatched his prize direct to Sierra Leone for adjudication; but in this he was frustrated by counter orders from the senior naval officer, directing him to proceed with his prize to New York, and there deliver her up to the Government of the United States as an American vessel seized *flagrante delicto* for a breach of American laws. Accompanied by Her Majesty's brigantine "*Buzzard*" the "*Clara*" sailed from Prince's, the place of rendezvous, with the senior officer, direct to New York, and arrived there on the 19th of August, 1839, together with the "*Eagle*," another vessel under the United States colours, seized by the "*Buzzard*." Through the medium of Her Majesty's Minister at Washington, Lieutenant Fitzgerald received the decision of the United States Government respecting the "*Clara*" and the "*Eagle*," the latter already reported in our Despatch of the 20th of January, 1840. By the official opinion of the American Attorney-General it was decided that the "*Clara*" could not be considered the property of an American citizen, but rather of a Spanish subject resident in Cuba; and that, therefore, no such vessel could be prosecuted in any American Court, those Courts not possessing jurisdiction over the property of other nations. More delay now arose from the "*Eagle*," the "*Clara's*" consort, having been unfortunately blown ashore in a gale of wind; and, in the interim, the only two witnesses in the case, the mate and boatswain, succeeded in effecting their escape. The "*Clara*" was then dispatched to Bermuda with the view of being prosecuted in the Vice-Admiralty Court of that place; but the case having been rejected, the captor finally determined to repair with his prizes to this colony, and left Bermuda on the 22nd of November, 1839. In the passage across the vessels encountered a heavy gale, and the "*Clara*" parted company. The fate of the "*Clara*" remained a long time doubtful; but the captor still continued his course hither, and arrived in this harbour in the month of January, 1840.

On the 28th of January, 1840, the case of the "*Clara*" was brought before the British and Spanish Court, a Monition issued, and the papers found on board, together with two sworn Declarations of the captor, were allowed to be filed.

Containing as these Declarations do the most ample information as to the facts of seizure and the subsequent history of the "*Clara*," it has been deemed right to transcribe them *in extenso*.

The first Declaration is as follows: "I, Lieutenant Charles Fitzgerald, commanding Her Britannic Majesty's brigantine '*Buzzard*,' hereby declare that on this 18th day of March, 1839, being off the mouth of the river Nun, in latitude 4° 23' N., longitude 6° 5' E., I detained the Spanish schooner named the '*Clara*,' commanded by Samuel B. Hooker, who declared himself to be a citizen of the United States, and that he is not the *bonâ fide* owner of the said schooner, as set forth in the Bill of

Sale found amongst her papers, and that the said schooner and her cargo is Spanish property, and was equipped in Havana for the Slave Trade in November last year, and that the three persons now on board her are Spanish subjects (their names, as declared by them respectively, are set forth in a list at the foot hereof), and were entered at Havana as part of the said schooner's crew. The said Samuel B. Hooker also declares that he was engaged by Don Pedro Forcade and Co. (Spanish merchants residing in Havana), as a citizen of the United States, in order to cover the said Spanish schooner and her cargo with the flag of the nation of which he is a citizen, and that he hath no interest, nor expected interest, in the said Spanish schooner, further than what his wages might have amounted to at the termination of his destined voyage.

"The said Samuel B. Hooker also declares that the said schooner '*Clara*' was lying in the river Nun taking in provisions for her expected cargo of slaves; and that about 80 slaves had been bought, and are now in the barracoon near to which the schooner was lying; and that the said schooner would have sailed out of the river Nun in the course of a week or ten days, with at least 300 slaves on board, destined for the Island of Cuba."

The second Declaration runs thus: "I, Lieutenant Charles Fitzgerald, commander of Her Majesty's brigantine '*Buzzard*,' do hereby declare with reference to my original Declaration of the capture and detention of the Spanish schooner '*Clara*,' dated 18th March, 1839, that being ordered to rendezvous at Prince's Island within a week from the time of capture, I did so; after which it was my intention to have sent that vessel immediately to Sierra Leone for adjudication, and to have accompanied her with the '*Buzzard*,' the case being a novel one, but that meeting with Captain Tucker, the senior naval officer, in the Bights, at the rendezvous at Prince's Island, he ordered me to proceed forthwith to New York with the '*Clara*' and '*Eagle*,' and there place them at the disposal of the American Government, with a view and in the hope that such a step would effectually stop any further prostitution of the American flag. An obedience to the orders of my superior will, I trust, be deemed sufficient cause to the Honourable Commissioners of the Mixed Courts for the non-fulfilment of the 1st Article of the Treaty, which enjoins the necessity of bringing the vessels with the least possible delay to the nearest Mixed Commission Court.

"I arrived at New York on the 10th of June, 1839; and on the 19th of August following, while there awaiting the decision of the American Government respecting the said vessels, I received a letter from His Excellency H. S. Fox, Esq., Her Majesty's Minister at Washington, enclosing a copy of a communication made to him by the Secretary of State of the United States, to which was annexed the official opinion of the United States' Attorney-General on this case. This opinion being that neither of the two vessels was the property of American citizens, but of Spanish subjects resident in the Island of Cuba, and the Secretary of State having also officially informed Mr. Fox that the American Government had therefore declined to prosecute the vessels in any of its Courts, as it could have no jurisdiction over the property of other nations, I should at once have quitted New York and proceeded with them direct to Bermuda for adjudication, and failing in that would have immediately proceeded to Sierra Leone, but the '*Eagle*' having been ashore on Staten Island during a gale of wind on the 16th of August—the date of Mr. Fox's letter to me—this intention was frustrated, as I was unwilling to leave the vessel aground, while there remained a single chance of floating her. As soon as this was accomplished I dispatched the '*Clara*' to Bermuda, following her myself in the '*Buzzard*' the moment the '*Eagle*' could be got ready for sea.

"In the state of ill-feeling amongst the slave-merchants in Havana during last autumn, and their ill-concealed hostility to and designs against officers commanding British cruisers, I did not consider it prudent to send so small a vessel as the '*Clara*' across the Atlantic without convoy, and therefore kept her in my company.

"I further declare that the mate of the '*Clara*' (a Spaniard) deserted from her at New York on or about the 22nd of July, by swimming away at night; and her boatswain deserted from the '*Eagle*' (which vessel I had permitted him to inhabit for the sake of the society of the other Spaniards on board her) a day or two after that vessel went ashore. I made no application to the American Government for the restoration of any of these people, well knowing my doing so would be of no use; an opinion which was afterwards confirmed by a communication to Captain Baynes of Her Majesty's ship '*Andromache*,' by Mr. Fox, relative to some deserters from that ship. Mr. Fox stated that he knew of no Treaty or Convention by which the United States were bound to surrender the subjects of a Foreign Power in cases like the present. I therefore did not take any steps in the affair.

"I further declare that when I detained the '*Clara*' in the river Nun on the 18th of March last, she was in every way equipped for the Slave Trade, having on board a large number of unusually large water-casks, a boiler of extraordinary size, and a great quantity of rice, farinha, &c., as food for her expected cargo of slaves; and her slave-deck was conveyed ashore as soon as the approach of the '*Buzzard*'s' boats was perceived.

"I do further declare that the American master of the said schooner admitted to me that at one time he had on board one of the slaves intended for transportation, and that he was put ashore again when the slave-deck was landed."

For some time the captor entertained hopes that the "*Clara*" would make her appearance; but in this expectation he was disappointed. At length, with the Court as with the prosecutor the opinion prevailed that the "*Clara*" had, like her consort, the "*Eagle*," gone down in the same violent gale encountered by both. From the deficiency of evidence through the escape of the witnesses at New York, and the uncertainty of the existence of the vessel, no further proceedings could then be had in the case. It accordingly became necessary to postpone adjudication for a period, which the Court fixed at one year; unless indeed the vessel herself should arrive, or her existence be ascertained, before the expiration of that term.

The case remained in this state until the 18th of December, when the captor's proctor presented a petition to file an affidavit of Mr. Dougan, another proctor of the Court, with five paper writings annexed, in proof of the "*Clara*" being then at the Island of Jamaica. The affidavit in question authenticated the five letters, and declared that they had been received by the deponent from Mr. Joseph Woodhead, the naval agent in London of Lieutenant Fitzgerald. These papers take up the history of the "*Clara*" from the time she lost the company of her convoy in the gale experienced by them after leaving Bermuda in the month of November, 1839. The prize officer, it appears, then bore up for the Island of Antigua, which he reached in safety, but with his vessel much shattered and disabled. Here the prize remained until the arrival of the Commander-in-chief, Vice-Admiral Sir

Thomas Harvey, on the 2nd of February, 1840, who sent her on to Port Royal, Jamaica, where she was dismantled, and laid up in charge of the Collector of Customs as unseaworthy, and an inventory of her stores at the same time delivered to that officer. Of the certificate of the "*Clara's*" existence and condition, signed by Commodore Douglas, under date of September 8th, 1840, a copy is hereunder given:—

"These are to certify that the '*Clara*,' schooner, detained by Her Majesty's brig '*Buzzard*,' Lieutenant Fitzgerald, Commander, was hauled up as high as possible near the Naval Yard at this port by the directions of the Commander-in-chief, where she now is; and I further certify that she was in that condition which rendered it unsafe to have risked the lives of the crew in attempting to cross over to the coast of Africa."

Upon this additional evidence setting at rest the question of the "*Clara's*" existence, and explaining satisfactorily the reason of her non-appearance in this port, the Court determined to proceed to adjudication on the 31st instant.

In the judgment pronounced upon this occasion, the Court took a preliminary review of the proceedings of the captor and his prize from the first seizure in March 1839, to her final prosecution. But as all this has been recapitulated in the foregoing Report, it will be unnecessary to repeat it in the terms of the judgment.

Before discussing the leading questions of nationality and illegal equipment, the Court commented upon the want of the usual depositions and the absence of the vessel—circumstances which, but for the precedents furnished by the cases of the "*San Rafael*," "*Conchita*," and "*Eagle*," might have led to difficulties not easily to be surmounted. As it was, the escape of the witnesses rendered the usual direct testimony afforded by those concerned in the captured vessel unavailable: fortunately, however, even the *ex parte* evidence of the prosecutor, strengthened by the admissions of the Master, afforded proof sufficiently strong to determine the matter at issue. Added to this, the well-known decision of Her Majesty's law-officers in the case of the "*Fabiana*," that certain deviations from the Treaty do not necessarily invalidate a capture, applied in every respect to the departures from the usual course in the present instance.

These points disposed of, the Court proceeded to the consideration of the authority of this vessel to an American national character, and which was found to depend on the validity of her three ship's papers, the mutilated register, the bill of sale, and muster roll. The first the Court at once pronounced to be valueless for the purpose of securing to the "*Clara*" an American nationality, as it is well known that American ship's registers are thus treated when their vessels are sold to foreigners, and that the American law directs the transmission of the moieties of such documents to be returned to the port of their issue. In addition, therefore, to the deficiency of evidence of the vessel's American character thus created by the imperfections of the paper intended to serve as the register, there arose a well-founded suspicion that the "*Clara*" had assumed a foreign character. The Court was also of opinion that even the bill of sale and the muster-roll of this vessel, authenticated as they had been by the American Vice-Consul's certificates, could not be viewed as supplying her with more than a temporary claim to American nationality; and that such temporary advantage must be, of course, limited to the time necessary to enable the vessel to proceed direct to some port in the United States, there to be duly documented according to the laws of the States.

Neither law nor justice seem to require that a more extended view of the value of the papers in question should be taken; that such papers should affix a certain nationality upon a vessel to navigate freely the high seas under a flag supported by such questionable credentials, and the Court accordingly declared it impossible to extend to them a more liberal interpretation.

From other authority, therefore, than the ship's papers, must the nationality of the "*Clara*" be derived.

One of the log-books found on board this vessel, which is written in Spanish by a seaman named Tomas G. Panasco, who appears to have been the mate of the "*Clara*," described her as having been under the command of Eugenio Viñai, the same person in whose name all the cargo was embarked at Havana. These two persons would therefore seem to have been the Spanish master and mate, disguised during the outward voyage, but ready on the embarkation of the return cargo of slaves to assume their real stations on board. Panasco's log-book bore every appearance of being a faithful record, and could not but constitute a good index of the writer's capacity on board the detained vessel, and of the object with which she had visited the river Nun.

Abundant proof had been afforded by the correspondence, already noticed, that Viñai and Panasco had been engaged in the collection and care of a cargo of slaves in the Nun; whilst the "*Clara*" remained at anchor in the same river. The rough book, also described, contained an account of the quantity and description of provisions received at a barracoon on shore, as well as the description of sixty-two slaves lodged there and intended as a part of the "*Clara's*" cargo.

That the management of the "*Clara*" and the direction of her voyage had been consigned to Spaniards, her outward cargo shipped by Spaniards for Spanish interests in the Spanish port of Havana, then bartered away on the coast by Spaniards for slaves, were facts substantiated by the most sound proofs. It would, therefore, have been unreasonable, in the face of evidence thus confirmed, to have placed against it any that could be produced from ship's papers such as the "*Clara*" possessed. The Court accordingly pronounced the "*Clara*" to be a Spanish vessel.

The Spanish nationality of the "*Clara*" having been determined, it then only remained to decide whether the charge of being illegally equipped was well founded.

From the singular position of the captor, his prize being in the West Indies and the witnesses also absent, no direct evidence on this matter but that which he himself could afford was forthcoming. In his second Declaration he has stated on oath that he had detained the "*Clara*" for "having on board a number of unusually large water-casks, a boiler of an extraordinary size, and a great quantity of rice, farinha, &c., as food for the expected cargo of slaves," the latter articles not cleared out as cargo. Of this fact there could be no doubt, as proof of there being equipment could alone justify the seizure and lead to the condemnation of this vessel; more particularly as the collection of a cargo of slaves for the return voyage had been distinctly substantiated. For, if such a cargo were required, the presence of such an equipment could not but be necessary. Under all these circumstances the

Court felt bound to declare that the "*Clara*" had been illegally equipped when seized, and accordingly to pronounce her a good and lawful prize to the Crowns of Great Britain and Spain.

(Signed)

JOHN JEREMIE.

WALTER W. LEWIS.

Second Enclosure in No. 66.

Opinion pronounced by the Acting Commissioner, Sir John Jeremie, in the case of the schooner "Clara," Samuel B. Hooker, Master.

As this is the first case in which the doctrine laid down in the judgment of the "*Mary Anne Cassard*," controverted by the Queen's Advocate, comes before the Mixed Commission Court since the present Acting Commissioner has been a member of it, and as the principles briefly stated by the Queen's Advocate have been since received and acted upon *sub silentio*, and without argument, he conceives this the proper time to record that he entirely concurs in Sir J. Dodson's opinion. He is aware of the very great weight attaching to the opinions of the Judges who determined the case of the "*Mary Anne Cassard*," of the additional force their opinions acquire from certain *obiter* remarks of Lord Stowell's in the case of "*Le Louis*," and cannot refrain from expressing his admiration of their lucid and elaborate argument. But it strikes him that a broad and palpable distinction exists between the case of "*Le Louis*" and the present, or that of the "*Mary Anne Cassard*." "*Le Louis*" was admitted to be French—her papers, the flag she navigated under, were in perfect accord with her national character—and, therefore, whether the trade she was engaged in was legitimate or illegitimate according to the laws of France, was a question for the consideration of her Government alone, so long as that Government had not conceded to others a qualified right of police over its shipping.

But the very ground upon which the present ship is brought into this Court is, that her American character is merely assumed to cover an unlawful purpose, and that neither the papers nor the flag accord with the national character of this ship, which was in reality Spanish. Now neither at sea nor on shore can one offence be covered or protected by the commission of another, or impunity secured to crime by simulation.

And that Slave Trading is a crime by the Spanish law, and that the crown of Spain has conceded to the national flag of Great Britain a right of supervision and police over this particular crime, when committed by Spaniards, is shown by the Treaty.

That "*Le Louis*" was correctly delivered up, on the general ground of a defect of jurisdiction in any English Court to entertain her case, it would be presumptuous to call in question; nor, for the reasons already assigned, is there the remotest wish to do so. But that the language of the distinguished Judge on that occasion should be considered as directed principally to the subject matter then immediately before the Court, and that this precedent should be held chiefly to apply to cases arising under circumstances identical or very nearly so, according to the established practice of Courts of Law, there can be little doubt.

It is the Acting Commissioner's impression that some misapprehension exists as to the precise meaning which in these matters has attached to the word "search," and that in reality two rather different significations have been occasionally given to that term, however simple in itself.

To search may signify, as it did generally in time of war, what seamen technically term to "overhaul" and "rummage," which was almost universally done with neutrals for the purpose of ascertaining that they were not used as carriers of belligerents' property, the principle contended for by them that "free bottoms make free goods" never having been acknowledged as part of the law of nations. And in this, the true sense, there can be no doubt that the right of search can only be exercised by Treaty in time of peace, except on grave suspicion; and that any Officer unlawfully assuming this power over the ship of another nation entails on himself the heaviest responsibility. But, if it be contended that by the exclusion of the right of "search," a man-of-war of any nation cannot hold ample communication with any private ship of whatever nation, call for her papers, and ascertain by making reasonable and effectual inquiry that she is what she professes to be—the Acting Commissioner willingly admits they can do no more—then this were giving an extension to the rule which he believes it never has borne in practice, nor ever can bear consistently with the exercise of a proper supervision and police over the high seas, justly termed the common highway of nations—then, taking the word "search" in its strongest sense, the right to exercise it has always been recognised on suspicion of piracy. Now piracy is a term of very indefinite signification; and, though there are certain offences amounting to piracy by the laws of *all* countries, yet are there others which have been pronounced *piracy* by the mere fiat of particular legislatures, so that piracy does not invariably bear the same definition in the laws of every country. In England it has been repeatedly created by statute—see Stats. 11 and 12 Wm. III., c. 7—6 Geo. I., c. 19—and 8 Geo. I., c. 24; and British subjects or persons engaging in the Slave Trade "shall be deemed and adjudged guilty of piracy"—see 5 Geo. IV., c. 113, s. 9. And by the French law "any master of a ship convicted of sailing under different flags shall be, with his abettors and accomplices, prosecuted and adjudged a pirate"—*Arrêté de l'an 12*. Merlin's *Repertoire, verbo "Pirate,"*—so that the mere *sailing*, without any aggression, under more than *one* flag, is with them piracy.

Then what to a seaman are the external signs which will excite a suspicion of piracy? The being calculated for running instead of carrying a cargo—a warlike instead of a pacific build and equipment—the slight shape—tapering masts—large sails—supply of guns—numerous crew—the latitude she is found in—the course she is steering—all which characteristics apply equally to Slave Traders—offences, as is perfectly notorious, too often committed by the same parties. Though even this will not sanction the "search" of a vessel whose national character is undoubted, except such "search" be authorised by Treaty, or there be grave suspicion of that kind of piracy which is recognised by the law of nations. But these remarks show how delicate and difficult is the position of national cruisers in regard to such matters.

The Acting Commissioner cannot but add, that he fully concurs in the American decision in the case

of the "*Eagle*," and in the proceedings of the Government of the United States on similar occasions—all which strongly fortify his position; the one great question being in such cases to ascertain the true nationality. But combine the doctrine of the "*Mary Anne Cassard*" with that of the "*Eagle*," and the culprits (with ship and cargo) would escape untouched under any law, English, Spanish, or American, though engaged in the violation of the laws of the three countries: for, if an English cruiser cannot ascertain a ship's real character, so long as she displays the flag of the United States, and produces papers of questionable authenticity from an American agent, neither can a Spaniard. Whilst when seized by an American no American Court could condemn her, though loaded with slaves, if the slaves and ship belonged to a foreigner—even supposing she had not also evaded detention by American cruisers by the simple expedient of hoisting to them the flag of Spain, and producing her Spanish papers.

Then it seems admitted that the papers must be produced, for which purpose there must be an effectual communication. But why require the production of papers or the exhibition of a flag, if the genuine character of both, their truth and authenticity, is not to be ascertained? The enactment in ch. 73, 2 and 3 Victoria, as to "vessels engaged in the Slave Trade not being justly entitled to claim the protection of the flag of any state or nation," appears consequently to the Acting Commissioner in every respect conformable to the principles of the law of nations.

No. 67.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 31, 1840.

(Received April 13, 1841.)

SIR,

IN pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George the Fourth, entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to enclose a Return of all vessels adjudicated in the British and Spanish Mixed Court from the 1st of July last to this date.

We have, &c.

(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.

John Backhouse, Esq.

&c. &c. &c.

Enclosure in No. 67.

Return of Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, between July 1 and December 31, 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.	TONNAGE OF THE VESSEL.			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.							Foreign, according to the Papers.	Old Admeasurement.	English. New Admeasurement.		
Republicano	Spanish	Felix Marengo	1840. Aug. 14	Harbour of Sierra Leone.		Brig and Cargo.	Hon. Joseph Denman, Esq., H.B.M. Sloop "Wanderer."	1840.	..	..	..	..	..	..	..	..
Plant	United States.	J.P. Conthony	July 7	6° 12' N. 2° 40' E.		"	Wm. H. Quin, Esq., H.B.M. Sloop "Persian."	Sept. 1	..	..	..	208 ³ / ₈	206 ³ / ₄	226 ¹ / ₈	226 ¹ / ₈	Vessel and stores sold at public auction, and the proceeds paid into the Military Chest.
Carolina	Spanish	Pedro de Sala	— 10	4° 10' N. 5° 45' E.		Schooner and Cargo.	Reginald T. J. Levinge, Esq., H.B.M. Brig "Brigantine	Sept. 8	..	..	..	36	51 ¹ / ₄	29 ³ / ₈	29 ³ / ₈	..
Diana	"	Felipe Victorio	— 21	Off Gallinas.		Brigantine and Cargo.	Henry W. Hill, Esq., H.B.M. Brig "Saracen."	Sept. 8	..	..	..	118	186 ³ / ₄	82 ³ / ₈	82 ³ / ₈	..
Sirena	"	Manuel Muniz	Aug. 17	"		Schooner and Cargo.	"	"	..	..	..	78	93 ¹ / ₄	41 ³ / ₈	41 ³ / ₈	..
Palmira	"	Narciso Al- dave.	Sept. 15	3° 59' N. 5° 48' E.		Brigantine and Cargo.	Wm. Tucker, Esq., H.B.M. Sloop "Wolverine"	Oct. 19	..	..	..	105	189 ³ / ₄	90 ³ / ₈	90 ³ / ₈	..
Felicidade	Portu- guese.	Francisco Me- deiro.	Oct. 5	5° 40' N. 10° 2' W.		Schooner and Cargo.	Henry F. Seagram, Esq., H.B.M. Brig "Terzagant."	— 24	..	..	..	85*	135 ¹ / ₂	64 ² / ₇	64 ² / ₇	..
Veracruzano	Spanish	Antonio Ara- gon.	— 14	5° 34' N. 9° 45' W.		"	"	Nov. 5	..	..	..	72	126 ³ / ₄	56 ³ / ₈	56 ³ / ₈	..
Porto Formozo	Portu- guese.	Jose Maria Carvalho.	Sept. 16	7° 5' N. 11° 50' W.		"	Charles Hall, Esq., H.B.M. Brig "Rolla."	"	..	..	..	95*	135 ³ / ₄	66 ¹ / ₈	66 ¹ / ₈	..
Vanguardia	Spanish	Manoel Ir- guiendo.	Nov. 11	7° 6' N. 12° 17' W.		Brigantine and Cargo.	Hon. Joseph Denman, H.B.M. Sloop "Wander- er," and Charles Hall, Esq., H.B.M. Brig "Rolla."	Dec. 9	..	..	..	111	194 ³ / ₄	81 ³ / ₈	81 ³ / ₈	..
Reglano	"	Manuel Fer- nandez.	Dec. 10	6° 24' N. 12° 26' W.		Schooner & 350 Slaves.	Hon. Joseph Denman, H.B.M. Sloop "Wanderer."	— 23	350	2	348	77	116 ³ / ₄	48 ¹ / ₈	48 ¹ / ₈	Schooner and stores in charge of the Com- missioner 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.
Clara	United States.	Samuel B. Hooker.	1839. March 18	4° 23' N. 6° 5' E.		Schooner	Charles Fitzgerald, Esq., H.B.M. Brigantine "Buzzard."	— 31	..	..	..	97 ¹ / ₈	..	..	..	Schooner and stores left at Port Royal, Jamaica, and a Commission issued for the sale thereof.

* The tonnage of the Felicidade and of the Porto Formozo is given from the testimony of the witnesses, no tonnage being stated in any of the papers of these vessels.

Sierra Leone, 31st December, 1840.

(Signed) JOHN JEREMIE.

WALTER W. LEWIS.

(Signed)

M. L. MELVILLE, Registrar.

No. 68.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 31, 1840.**(Received April 13, 1841.)*

MY LORD,

ENCLOSED we have the honour to transmit to your Lordship an Abstract of the proceedings in the British and Spanish Mixed Court of Justice during the year ending this day.

The number of vessels adjudicated was 20, all of which proved cases of condemnation, with the exception of the brig "*Republicano*," which vessel was withdrawn by consent of the parties on both sides; the captor finding himself unable to establish the charge which he had preferred against her of being illegally equipped.

In two cases only were there any slaves on board of the vessels condemned, viz., the "*Eliza Davidson*" and the "*Reglano*;" from the former of which two slaves were emancipated, and from the latter 348.

We have, &c.

(Signed)

JOHN JEREMIE.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 68.

Abstract of the Proceedings during the year 1840, in the British and Spanish Mixed Court of Justice established at Sierra Leone for the Suppression of the Slave Trade.

1. THE brigantine "*Eagle*," J. W. Littig, master, sailed under the colours of the United States, and was originally seized on the 14th January, 1839, by Her Majesty's sloop "*Lily*," commander John Reeves, in Lagos roads, on the plea of her being engaged in Spanish Slave Trade; on which charge she was presented to the British and Spanish Mixed Court of Justice established here for adjudication. The Commissioners, however, declined to entertain the case, stating that the acknowledgment of Captain Reeves (contained in his declaration) that the "*Eagle*" was captured under the flag and pass of the United States, was decisive as to the non-admissibility of the detained vessel into the Courts over which they were appointed to preside.

The prize-officer of the "*Lily*" did not give up charge of the "*Eagle*" on the British and Spanish Court declining to receive her case, but proceeded with her by an indirect route to Fernando Po, where he met with Her Majesty's brigantine "*Buzzard*," Lieutenant Fitzgerald commander, and there transferred himself from his prize to that cruiser. Lieutenant Fitzgerald, it appears, examined the detained vessel, and questioned her crew, when the American Master Littig admitted to him that the "*Eagle*" had been fitted out by Spaniards at Havana for Spanish interests, and had been for some time employed in a Spanish course of trade. Upon receiving this information Lieutenant Fitzgerald took possession of the "*Eagle*" as a Spanish vessel unlawfully equipped, and intended, as he subsequently explained, to have proceeded with her to this Colony, and again to have offered her case for adjudication by the Mixed British and Spanish Court. Previous to carrying out this intention, however, he had to resort to Prince's Island to meet his senior officer there, which he did a few days afterwards, and then received orders which induced him to accompany the "*Eagle*" and another detained vessel to New York, for the purpose of delivering up to the government of the United States these vessels, which had been guilty of a breach of the American laws in using the flag and pass of the States to aid and abet the Spanish Slave Trade.

The "*Buzzard*" accordingly proceeded with her prizes to New York, where Lieutenant Fitzgerald ultimately learned that the Government declined to entertain the case of this vessel, considering her with her cargo to have a complete Spanish character, and confining themselves solely to proceeding against the American Master for his participation in this slave-trading adventure.

The Master of the "*Eagle*" had previous to the communication of this declaration of the Government been removed from the custody of Lieutenant Fitzgerald, on an arrest in a civil suit; and about this time the "*Eagle*" having gone on shore at New York in a very heavy gale, the other witnesses in the case, the Spanish mate and steward, left her, and neither one nor the other could afterwards be found by the captor.

The "*Eagle*," having been repaired, accompanied the "*Buzzard*," on the 11th November, 1839, to Bermuda, whither Lieutenant Fitzgerald proceeded, in obedience to orders from the Lords of the Admiralty, to present this vessel for trial by the Vice-Admiralty Court in that colony. That Court, however, refused to interfere in the matter; and the "*Eagle*," after again undergoing repairs (which, though effected at very great cost, appeared to have been done in an unsatisfactory manner), perished in a gale shortly after leaving Bermuda, on her way to this place, and the prize-crew were with great difficulty saved by the "*Buzzard*." The captor was thus left with only the ship's papers as the means of prosecution.

On the 25th December, 1839, the "*Buzzard*" arrived in this port, and on the following 3rd of January, proceedings in prosecution of the "*Eagle*" as a vessel having had a Spanish nationality and been unlawfully equipped according to the terms of the Treaty between Great Britain and Spain, were commenced before the Mixed Court.

In this instance the evidence consisted of the contents of the papers seized on board of the "*Eagle*," and which fortunately had been from the time of her seizure in the keeping of the captor; the sworn declarations of that officer; affidavits of the officers of the capturing vessel to prove the substance of the admissions of the American master, Littig, made before Lieutenant Fitzgerald, at Prince's Island, when he seized the "*Eagle*;" and certain examinations of the captor and his officers and crew upon several points on which the Court desired information. From these sources it appeared that the "*Eagle*" had been transferred, in a very loose and unsatisfactory, and, as was ultimately shown, fraudulent manner, under a power of attorney, from the Baltimore owners to her master, Littig, on her arrival at Havana from the United States, in order that, although really Spanish property, she might still carry the flag of the States; that she was then cleared out at Havana, in May, 1838, for the coast of Africa, with a cargo shipped by a Spaniard named José or Francisco Morales; and that she had then a slave-equipment and Spanish crew on board. The "*Eagle*" proceeded from Havana to the Cape Verd islands, and thence to Lagos, where the Havana cargo was discharged; and from that place (with what lading is not stated) to Bahia, where a return cargo of tobacco having been shipped by Duarte da Silva, in September, 1838, under an order from Joaquim Andreo, of Havana, and, as it is stated, "on account of and at the risk of the parties to whom it may belong," again visited Lagos. Here, on the 23rd December, 1838, the American master entered into a written engagement with Isidoro Miguel Braga, to proceed to Bahia, conveying, on a freight of two dollars each, thirty-two water-casks, said to have belonged to certain vessels lately seized at Lagos, and which casks were to be filled with water for the purpose of ballast for the vessel, and to accommodate a number of persons who were to go as passengers, and who were described as having formed parts of the crews of the said captured vessels. For the passage of each of these sailors thirty dollars was to be paid. The concluding part of this plausible agreement, which however was plainly a contract for carrying a cargo of slaves across the Atlantic, stated that previous to the embarkation of the said passengers the "*Eagle*" was to go to windward in search of provisions for them; and that on her arrival at Bahia another cargo of tobacco would be furnished, with which she was once more to return to the coast. At this time Her Majesty's sloop "*Lily*" appeared at Lagos, and by the seizure of the "*Eagle*," as previously mentioned, frustrated this well-laid plan for carrying off a human cargo.

In the prosecution of the "*Eagle*" by the second captor, it was proved that the equipment of the "*Eagle*" consisted of from fourteen to sixteen leaguers of the largest size, a complete slave-deck, two large slave boilers, and a large quantity of farinha, beans, and the dried meat usually given to slaves. The absence of all the crew of the captured vessel was explained by the captor to have arisen from the American master having been taken into custody on a civil suit when the "*Eagle*" was at New York, and the escape of the mate and steward when the vessel was ashore in that port; the remainder of the "*Eagle's*" crew having been landed on the Leeward Coast by the original seizer, on her first detention.

The papers of the "*Eagle*" afforded but imperfect evidence of her alleged Spanish nationality. The unsworn admissions of the master on this subject, to which reference has been previously made, the Court declined to receive as evidence; whilst, however, it admitted that their having been reported in the captor's original declaration, which had latterly been attested on oath by him, was entitled to some weight in forming a judgment. The general effect of the whole of the evidence received in this case, coupled with the numerous frauds and evasions practised throughout by the parties interested in the vessel, led the Court to the conclusion that this vessel was entitled to no other than a Spanish character; and as her illegal equipment had been clearly proved, the Court pronounced, on the 18th January, 1840, a sentence declaring that the "*Eagle*" was at the time of her capture subject and liable to seizure as a Spanish vessel unlawfully equipped; and that her case had been rightly prosecuted before the British and Spanish Mixed Court of this colony.

2. The schooner "*Laura*," sailing under the flag and pass of the United States, with Henry Hantsman as the American master, and Juan Costa as the Spanish captain, was seized on the 7th January, 1840, off Cape Mesurado, by Her Majesty's schooner "*Viper*," Lieutenant G. J. Burslem commander, for prosecution before the British and Spanish Mixed Court in this colony, on a charge of being a Spanish vessel, and unlawfully equipped.

The "*Laura*" was a Baltimore vessel, registered there on the 11th of May, 1839, and owned by James Hooper, William Cobb, and Andronicus Cheesborough, of that city, who gave a power of attorney, dated the same day as the register, to James Tyler, the master of the schooner, to sell her; for which purpose he proceeded at once to Havana, where, in virtue of a clause of substitution contained in the power of attorney, he appointed Hantsman to act in his stead. This transfer took place in the presence of, and has been certified to by, Mr. Consul Trist, on the 19th October, 1839. At the same time a sale was effected to Juan Costa and another Spaniard, both residents of Havana, and the schooner was then fitted out for this coast, the vessel first visiting Matanzas, which was her last clearing port. From Matanzas the "*Laura*" came direct across to Cape Mesurado, where she was fallen in with and seized by the British cruiser "*Viper*," as previously described.

The detained vessel arrived here on the 18th January, 1840, and her prosecution was commenced on the 20th, when the following evidence was received in support of it from the American master, Hantsman, and the American carpenter, William Darrow.

The master, who was at first plainly under considerable fear of the violence of Costa, the Spanish master, a person of a ferocious disposition, was eventually induced freely to state that the "*Laura*" cleared from Matanzas with 40 water-casks, which he had no doubt were intended to carry water for slaves. That the original American master, James Tyler, and a Spaniard, had placed him in command of this vessel, the cargo of which was owned by a Spanish merchant of Matanzas, named Cabada. That there were embarked three cabin and nine steerage passengers, all Spaniards and seamen, who were to form the Spanish crew of the vessel on her return voyage to Cuba. The aforesaid Costa and another passenger named Housta exercised authority on board. The transfer of the vessel to the Spaniards was to take place on their arrival at Cape Mesurado. Costa was part or entire owner of the vessel. On the day of seizure, and before the boats of the man-of-war could board the "*Laura*," the Spaniards burnt five papers, and threw overboard several articles of equipment. There were still, however, remaining on board a slave-deck, 40 leaguers, 200 bags of rice, some mess-tins, with hatch-bars, and a boiler.

The carpenter gave his evidence without any hesitation whatever, and plainly declared that the

schooner had an American captain and crew and a Spanish captain and crew. That Costa, the Spanish master, had from the first commanded the vessel; that he was part owner of her with another Spaniard, who had placed both the masters on board. That Costa had declared to him that he was coming to this coast for a cargo of slaves; and that there were 15 Spaniards on board, who were to form the Spanish crew for the return voyage. He also swore to having assisted in throwing overboard the slaving equipment alluded to by the master; and that there were at that time on board leaguers, a boiler, mess-tins, slave-deck, hatch-bars, and irons, all prepared for the use of the slaves who were to have been embarked on their reaching the Gallinas.

On this very clear and conclusive testimony the Court declared, on the 28th of January, 1840, the "*Laura*" to be a good prize to the Crowns of Great Britain and Spain.

3. The schooner "*Asp*," Wilson L. Weems, master, bearing the flag of the United States, was seized whilst at anchor in the river Nun, on the 16th of January, 1840, by Her Majesty's sloop "*Wolverene*," Commander William Tucker (b.), on the ground that she was Spanish property and engaged in the prohibited traffic in slaves; on which charges the "*Asp*" was sent to Sierra Leone for trial by the British and Spanish Mixed Court there.

The detained vessel reached this colony on the 29th of February, 1840, and her prosecution was commenced in the ordinary form on the 2nd of March.

From the ship's papers it appeared that the "*Asp*" was built at Baltimore, and received a register there on the 2nd of October, 1839, in which William Knight appeared as owner and master. Under the United States' flag and pass she was then conveyed to Havana, where, on the 14th November, Weems superseded Knight as master; his appointment being effected by Knight in concert with Charles Tyng, an American living in Havana, both of whom were authorised to act for the owners of the vessel. Tyng then embarked a cargo in the schooner, and as many American seamen as were considered requisite to keep up the ostensible character of a lawfully navigated vessel of the United States.

The evidence of the American master, Weems, went to confirm the foregoing history of the vessel and her proceedings up to her arrival at Havana; and he further stated that Simon Terran, and the other partners of the house of Martinez and Company, of Havana, were, with Ramon Garcia Bior (a Spaniard), the real owners of the vessel. That Bior, who was really the Spanish master, embarked as a passenger, with a regular passport as such, and brought with him 21 Spanish seamen, who all did duty on the outward voyage, and who were destined, under the command of Bior, to form the Spanish crew on the vessel being handed over to him by witness on this coast. Terran and Bior were also declared to be joint owners of the cargo, which had been disembarked the moment they reached the Nun, for the purpose, as Weems verily believed, of purchasing a cargo of slaves for the return voyage to Havana, and for the reception of whom she was fully equipped in respect to hatches, plank for a slave-deck, water-casks, and rice. The slave-irons, boiler, and mess-tins had been landed on their arrival in the Nun.

Manuel Arrojo, the Spanish steward of the vessel, by the evidence which he gave, generally confirmed the testimony of the master. He admitted the authority of Bior on board the schooner, and his belief that the equipment was for the use of slaves who were to have been shipped in the Nun; but was ignorant respecting the ownership of the vessel, as might have been expected. He affected to believe that the Spanish sailors were on board as passengers coming to the coast.

The Court considering that this evidence established a Spanish ownership as well as a course of Spanish trade for the detained schooner, pronounced her entitled to a Spanish national character, and, as she had been proved to have been unlawfully equipped in order to carry off a cargo of slaves, decreed her condemnation on the 9th of March, 1840.

4. The schooner "*Lark*," commanded by Thomas M. Solomon, and sailing under the colours of the United States, was seized in the river Nun, on the 16th of January, 1840, by Her Majesty's sloop "*Wolverene*," William Tucker (b.), Esquire, Commander, and sent to Sierra Leone for adjudication in the British and Spanish Mixed Court as a vessel having a Spanish national character, and in that character being illegally equipped.

The "*Lark*" arrived in this colony on the 29th of February, 1840, and on the following 2nd of March her prosecution commenced on the above-mentioned charge.

From the ship's papers seized on board the schooner and lodged in the Court, and the evidence given by the American master, Solomon, and José Ramirez, the Spanish cook, it appeared that the "*Lark*" had an United States' register, dated at Baltimore the 22nd of April, 1839, in which Francis T. Montell is mentioned as owner, and William Moore as master.

From Baltimore this vessel proceeded immediately after getting this register to Havana, where, on the 11th of May, 1839, W. B. Smith, as agent of the Baltimore owners, entered into a contract with a Spaniard, named Juan Barba, to let the vessel for four months, for a voyage from Havana to Prince's Island or *elsewhere* as Barba might direct, and that, on the expiration of that term, the vessel was to return to Havana. For this Barba was to pay the sum of 600 dollars a month. A note to this contract made by S. P. Terran (partner in the house of Martinez and Company of Havana), describes him as part owner, and as guaranteeing the performance of Barba's part of the contract.

The American master Solomon now superseded the former master Moore, and embarked a crew for the American flag, consisting of six persons, four of whom he subsequently got rid of at Danish St. Thomas's, and shipped four Spaniards in their room. There were also embarked at Havana, all provided with passports for St. Thomas's on the Line, the before-mentioned Juan Barba and fifteen other Spaniards, who were declared by both witnesses as intended to form the Spanish crew on the transfer of the schooner from the American to the Spanish flag at the river Nun. The transfer was evidently to be conducted as such transactions usually are, when every preparation had been perfected for the commencement of the contraband voyage in which she was to have been employed, had the guilty intentions of the Spaniards been fully carried out. On her first arrival in the river Nun the cargo and plank for the slave-deck were disembarked, and she then proceeded to St. Thomas's, where farinha and water were embarked, with which she returned to the Nun and was there captured. The afore-mentioned Simon Terran and Juan Barba, who were owners of this vessel, are both Spaniards, and residing at Havana. The equipment was admitted to consist of casks holding about seventy pipes of fresh water, twenty mess-kids, two iron boilers, one hundred bags of rice, and twenty of

farinha, which the witnesses supposed were for the use and consumption of the cargo of slaves with which she was to return to Havana.

The Court on the foregoing evidence declared this vessel to have been at the time of her seizure entitled to a Spanish national character, and as it had been proved satisfactorily that she was unlawfully equipped, pronounced her confiscation on the 9th of March, 1840.

5. The brig "*Eliza Davidson*," commanded by Alexander B. Hanna, and sailing under the flag of the United States, was seized at anchor off the Plantain Islands on the 4th of April, 1840, by Her Majesty's sloop "*Wanderer*," Commander the Honourable Joseph Denman, on the ground of her being Spanish property, and as such equipped for the Slave Trade, as well as for having three slaves on board. From the papers of this vessel it appeared that she was built at New York in the year 1828, and that on the 30th July, 1838, James Corner, James J. Corner, and John J. Mattison, of Baltimore, were the registered owners of her, Mattison being also in command of her. On the 16th of December, 1839, a charter-party was entered into at Havana, between Mattison on the part of the registered owners, and Simon de Terran, a partner in the house of Martinez and Company of that city, to let the brig for two years, for the sum of 8,500 dollars (2,125*l.*) at once to be paid, and the charterer in addition to bear the expense of the wages of the crew, and to have the entire management and direction of the vessel. Mattison having appointed Hanna to act as master of the brig in his room, she was then fitted out by Terran, in conjunction with Charles Tyng, an American living at Havana, for a voyage to the Gallinas, with a cargo of merchandize consigned to José Alvarez of that place. This vessel, unlike the "*Asp*" and "*Laura*," also owned by the Spanish house of Martinez and Company, did not embark an American and a Spanish crew, but came to the coast manned entirely with Americans and Englishmen, having cleared out at Havana on the 9th of January, 1840, for Gallinas, which place she reached on the 26th of February following.

The American master of this vessel, and the steward, Charles Knoff, were the witnesses examined in this case, and from their evidence it was learned, that on the brig's arrival at the Gallinas the cargo shipped at Havana was discharged, and other goods embarked by José Alvarez, with which the brig proceeded to Seabar, and there delivered the same to Louis (Lemaignère), a Frenchman, who in return shipped sixty tons of rice. The brig then visited the Plantain Islands, and received on board seventy tons more of rice, all of which was intended for Alvarez; and whilst so employed at the Plantains she was detained. The steward deposed to there having been a previous voyage to the Plantains, when the pilot for Seabar was embarked, and who brought with him as a servant one of three negro boys found on board by the captor, the other two boys having been brought off by the master previously to their leaving the Gallinas from the factory of Alvarez, as the master told him. The master called the two boys alluded to his apprentices; but the steward thinking them to be slaves, recommended him to have nothing to do with them. The steward possessed no knowledge respecting the ownership of the vessel or her cargo from Havana, or of the illegal equipment of the brig; he however admitted as well as the master, that there were casks on board equal to carrying 2000 gallons of water. The vessel's trading, the master swore, was under the direction of Alvarez.

Of the three boys seized as slaves in this vessel, the one who came off with the Seabar pilot at the Plantains appeared to be a free boy named Caulker, and a relative of the chief of those islands of that name; the remaining two, however, on their own showing had been kept, treated, and dealt with as slaves at the factory of Alvarez, by whom they were transferred in that character to the master of this vessel.

The master himself admitted, and the said boys proved, that the establishment of Alvarez was a slave factory. It was also proved that there were a great number of slaves kept chained in this factory; and the boys distinctly swore that it was generally reported and believed amongst the slaves and domestics of Alvarez, that the negroes there collected were to be shipped off in this vessel.

The master's explanation that he had, to oblige a friend at Gallinas, embarked the two negroes for the period of his stay on the coast, in order that they might learn English, the Court considered improbable; and held them to have been on board as they themselves declared in the character of slaves.

The allegation of the captor that the vessel was entitled to a Spanish national character, the Court was of opinion that the evidence had established; and as she was found with two slaves actually on board, and an extraordinary number of water-casks more than were required for the use of her crew, for which no satisfactory reason had been assigned, the confiscation of the "*Eliza Davidson*" and her cargo, and the emancipation of the two slaves seized on board of her, were decreed on the 18th of April, 1840.

6. The schooner "*Octavia*," bearing the flag of the United States, and commanded by Nathaniel Hoyt, was seized at anchor off Popoe on the 3rd of April, 1840, by Her Majesty's brigantine "*Lynx*," Lieutenant Broadhead, commander, on the ground of her being Spanish property, and as such unlawfully equipped

On these charges the "*Octavia*" was sent to the British and Spanish Mixed Court established at Sierra Leone for adjudication, and proceedings in prosecution were opened in that Court on the 11th of May.

The ship's papers in this case consisted only of a Register and Muster-roll, from which documents it appeared that the schooner was owned by James Bryden Behn of New Orleans, who obtained his Register of her in that city on the 19th of January, 1839; and Nathaniel Hoyt superseded her original master at Havana on the 23rd of November, 1839, from which port she was navigated to this coast by a mixed crew of nine persons, four of whom only were Americans, and the remaining five were described as citizens of the United States, at least "as far as the master could ascertain the fact." The certificates of Mr. Consul Trist gave an official character to the Muster-roll.

The mate and cook of the detained vessel were the witnesses produced by the captor, the master, who was on shore at Popoe at the time of seizure, having neglected to come off to his vessel, although the proper signals were made by his mate for him to do so. Subsequently to the adjudication of the vessel, however, the master arrived in this colony from Popoe.

Of the real ownership of the vessel, or the correctness or number of her papers, neither of the witnesses could give any direct evidence. Concerning the cargo, its custody and management, their testimony was at variance, the mate swearing that it was owned by two Foreign Merchants (who

were passengers) in conjunction with the master; whilst the cook stated that one of the passengers, Don Felice, was the supercargo, and that the master had no interest whatever in the cargo. The cook also contradicted the mate respecting the conclusion of the voyage, which he averred was not to be to the United States, but Havana. The cook's testimony also went to prove that the "*Octavia's*" last voyage was from and to Havana; and both witnesses admitted that their wages were at that high rate usual only in slave-vessels.

The cargo was proved to have been shipped at Havana by a Spaniard named Reira.

A letter which was invoked from the case of the "*Jack Wilding*," condemned here on the 8th of July, 1839, showed the ownership of the "*Octavia*" to have rested in Pedro Manegat of Havana, on the 24th of March, 1839; and as she still sailed under the same American pass that she had at that date, and in which no alteration appeared, there was no reason for supposing that Manegat had ceased to be the proprietor of this vessel. Other invoked papers proved that Mr. Behn had lent his name to keep the United States' flag and pass for the service of the schooner "*My Boy*," at a time when she was really Spanish property.

The Court therefore held that a Spanish character had been made out for the "*Octavia*," and as her equipment was plainly illegal and no satisfactory reason for its being so having been tendered, the schooner's condemnation was decreed on the 5th of June, 1840.

7. The schooner "*Sao Paulo Loando*," Mariano Sgitcovich master, a vessel sailing under Portuguese colours, was seized on the 3rd of June, 1840, at the Gallinas, by Her Majesty's sloop "*Wanderer*," Commander the Honourable Joseph Denman, on suspicion of her being Spanish property, and as such illegally equipped.

The detained vessel reached this port for trial on the 7th of June, and proceedings were instituted against her in the British and Spanish Court on the following 11th.

From the evidence received it appeared this vessel was built in Cuba about eighteen months since, and was owned by Martin Lasquibar, a Spanish Merchant of Havana, who ostensibly transferred her on the 27th of March, 1840, to José dos Reis, a Portuguese, said to have lived at Havana one year. The Portuguese Consul then gave her a passport to sail under the Portuguese flag. Her Spanish national character was not, however, in reality altered by the change alluded to, she being still *bonâ fide* Spanish.

Beyond a regular slaving equipment this vessel appears only to have embarked at Havana provisions for the crew, and then sailed for the Gallinas. She had two Spanish passengers on board embarked at Havana, one of whom was plainly the supercargo, as appeared from his letter to the consignee at Gallinas, Pablo Alvarez.

The Spanish national character of this vessel and her illegal equipment having been proved, a sentence of condemnation was pronounced upon the said schooner on the 18th of June, 1840.

8. The Spanish schooner "*Maria Rosaria*," alias "*Traga Millas*," Antonio Gonzales master, was seized in consequence of being equipped for the Slave Trade, on the 9th of June, 1840, off Cape Mount, in a voyage from Havana to the Malagueta coast, by Her Majesty's sloop "*Wanderer*," the Honourable Joseph Denman, commander, and sent to this Colony for adjudication, where she arrived on the 14th of June.

On the following day the prosecution of the "*Maria Rosaria*" commenced, the evidence under which plainly established the equipment of this Spanish vessel for the reception of a cargo of slaves, and her condemnation was in consequence decreed on the 24th of June, 1840.

9. The brig "*Republicano*," Felix Marengo, master, carrying the flag of Spain, was seized whilst at anchor in this port on the 14th of August, 1840, by the Honourable Joseph Denman, commanding Her Majesty's sloop "*Wanderer*," on the ground of her being illegally equipped according to the 10th Article of the Treaty between Great Britain and Spain.

On the 15th of August proceedings in prosecution of this vessel on the above-mentioned charge were commenced, and from the evidence received it appeared that she had lately borne the flag of Brazil, under which she was condemned in this Colony on the 5th of June, 1840, and that at her sale by auction under the decree of the British and Brazilian Mixed Commission Court she had been purchased by Nathaniel Hoyt, lately master of the condemned slave schooner "*Octavia*." From Hoyt the "*Republicano*" was purchased by Felix Marengo, her master under the Spanish flag, and who fitted her out in this harbour, and was about to clear her at the Customs for a voyage to Cadiz, first having disembarked one water-cask which the Collector of the Customs considered to be more than was required for the use of her crew as a merchant vessel. The illegal equipment of this vessel was denied by both the witnesses who were examined, and the sworn report of the Surveyors, who had closely inspected the vessel, failed to support this charge in any way.

Of this opinion was the Proctor for the captor on reading the Surveyor's report in the case, for on the 24th of August he presented a joint petition from the claimant's Proctor and himself, asking the Court to stay the proceedings in the case, and that the ship's papers might be delivered up to the captor's Proctor for the purpose of restoring the vessel to the claimant, which was accordingly granted by the Court.

10. The brig "*Plant*," sailing under the colours of the United States, and commanded by John Penison Conthony, was seized by Commander William Henry Quin, of Her Majesty's sloop "*Persian*," off Badagry, on the 7th of July, 1840, on the ground of her being a vessel entitled, *bonâ fide*, to a Spanish national character, and under which she was said to be unlawfully equipped.

The "*Plant*" reached this harbour for trial before the British and Spanish Court on the 24th of July, and her prosecution commenced on the following 28th.

In the American papers with which the vessel was furnished, it appeared that a person named Seth Jordan was the owner of this vessel, and that previously he had also acted as master in bringing her from the United States to Havana. For the present voyage he had acted as ostensible master of the vessel until she had been cleared out at the Havana Custom-house, and was ready for sea, when the name of Conthony was put upon the papers. The cargo with which the vessel was laden was shipped by the well-known Charles Tyng, an American residing at Havana, and who is so frequent employed in fitting out expeditions thence to this coast under the American flag.

To the manifest of the "*Plant*," which had been drawn up by Tyng, there was attached a regular bill of lading, stating that the cargo was to be delivered at Popoe to Felis Cosmé Madail, agreeably to the terms of the "*charter party*."

The master had written instructions from Tyng, which directed him to the above-named Madail, as consignee of the brig, and who, if he saw fit, was at liberty to employ her in trading along the coast, although the "*ship's articles*" stipulated that the voyage from Havana to this coast, and back to the United States or West Indies, should not exceed eight months.

Thus prepared to support her American character, having been first provided with the usual papers from the United States' consul at Havana, she sailed for this coast; and had it not been for the discovery, by the seizer, of a packet of Spanish correspondence on board of the "*Plant*," her expedition would very probably have been a successful one. Among this correspondence there were two letters found for the consignee, Madail, at Popoe, written respectively by Abreo and Mazorra, the well-known slaving firm at Havana. From these communications, which were of a lengthened character, it appeared that Abreo and Mazorra had a very extensive right and interest in this vessel and her voyage; that her cargo was theirs, and was to be employed by their agent, Madail, in purchasing slaves on their account. Allusion is made in this correspondence, as in Tyng's instructions, to the privilege of Madail to engage the vessel in trading along the coast, if he should see fit to do so, and that the American master, Conthony, was, if competent, to be employed to sell the goods for money, with which money Madail was to buy slaves.

From the general tenor of the correspondence of Abreo and Mazorra, it was plain that they exercised and enjoyed an unlimited authority and control over this vessel, and that if they were not the real owners of her, they had chartered her on those terms which gave to them all the rights and privileges of owners for the duration of such charter, and thus, being Spaniards themselves, they gave the vessel and her voyage, to a certain extent, a Spanish character. Such was the impression the Court derived from the letters alluded to, and which received some support from the fact of the vessel having had a Spanish flag on board when she sailed from Havana, as well as from the well-known desire which prevails in Cuba to obtain the cover and protection of foreign flags for Spanish slaving adventures.

After the master had been examined in the usual form, and had sworn that all the papers respecting the vessel and her voyage had been delivered up by him, a note was found on searching his baggage, addressed to him by Tyng, stating that he was to have the exorbitant remuneration of 100 dollars (25*l.* a-month) as master of this vessel.

The master filed a claim in this case, and declared therein that the brig and her cargo was the sole property of Charles Tyng, whom he described as a merchant of New York.

The official report of survey of the equipment of this vessel showed her as being fitted with cleats and mortices, made in the sides, for the reception of beams, whereon a second deck might be laid; that she had casks equal to holding 2360 gallons of water; and that the cabouse had three openings to receive boilers, and 5 boilers adapted to those openings were found on board; the use of any three of which the surveyors considered more than necessary for the ship's company.

A great mass of evidence was furnished on both sides. The claimant desired to establish amongst other points that Charles Tyng was a resident of New York, and not of Havana. It was, however, clearly proved that Charles Tyng had a mercantile residence and carried on business at Havana, where he occasionally, if not permanently, resided. No attempt was made to clear up the contradiction given to the brig's official register, by the master having claimed her as the sole property of Tyng, until the claimant's counsel addressed the Court on the day of trial, when he stated that this irregularity arose from the consular authorities at Havana not having power to give the necessary documents. No allusion was made to the absence of a bill of sale in favour of Tyng.

The gross contradictions in the testimony of the master, in his deliberately falsifying the official register of the vessel; his denial of there being a charter-party when he had signed a bill of lading, stating that there was such a document, as well as many other prevarications, suppressions, and falsehoods, induced the Court to reject his evidence, as being unworthy of belief. Mr. Charles Tyng's claim, as preferred by the said master, to be considered as owner of the "*Plant*" and her cargo, was accordingly disproved; the other witnesses who supported the master's statement on this point having no better authority for their testimony than common report at Havana.

Seth Jordan, the person named in the register, the Court looked upon as the ostensible owner of this vessel, and declared respecting him, that as it appeared he had resorted to Havana to fit out, load, and dispatch his vessels, and had there received them on their return-voyages, that city must be deemed to be his mercantile residence in respect to the voyages of such vessels, and that both the owner and his vessels were invested with a Spanish character in relation thereto. Connecting the fact of the brig's Spanish course of trade since she had been owned by Jordan, the master's fraudulent attempt to establish in favour of Charles Tyng an American ownership, in opposition to the papers of the vessel, with the questionable character of the connexion with and interest in the "*Plant*," of the Spanish house of Abreo and Mazorra, as already shown, the Court felt justified in declaring the vessel and her cargo to have a Spanish national character.

The quantity of water which this vessel might have lawfully carried for the use of her crew, ten in number, at the rate of a gallon of water a man per diem, the Court stated would have been 700 gallons; and as she had on board when seized casks capable of containing 2360 gallons, for which excess no sufficient explanation was tendered, it was decided that the charge of illegal equipment had been also proved, and the vessel and her cargo were accordingly declared to be confiscated on the 1st September, 1840.

11. The Spanish schooner "*Carolina*," Pedro Salas, master, was detained on the 16th July, 1840, off the mouth of the river Nun, by Lieutenant R. I. J. Levinge, the commander of Her Majesty's brigantine "*Buzzard*," in consequence of that vessel being, in the opinion of the commander of the "*Buzzard*," equipped for the Slave Trade.

On the 28th July, 1840, the prosecution of this vessel on the above-mentioned charge was commenced in the British and Spanish Mixed Court in this colony, from the evidence filed under which and the ship's papers the following circumstances appeared.

The master of this vessel was also described in her papers as the owner, and obtained a passport for his vessel at St. Jago de Cuba on the 30th April, 1840. The vessel then cleared out, with a full cargo, for St. Thomas's on the Line, which official destination was neglected, and the river Nun

about to be resorted to instead, when her seizure prevented the completion of this object. The muster-roll showed that the extraordinary large crew of eleven persons had been shipped to navigate this vessel, although her burthen, according to the register, was only 36 tons. The master and his cook were the two witnesses in preparatory produced by the captor, and both of them deposed at their examination that the schooner was not in any respect illegally equipped. The sworn report of the surveyors to the Court, however, showed that there were on board water-casks equal to containing 960 gallons, a quantity more than requisite for the crew of so small a vessel, and which, in the opinion of the surveyors, ought not to have exceeded six persons, including the master. The cabouse was large for the size of the vessel, and was fitted with cross-bars suited to receive larger cooking utensils than were needed for the crew, and the vessel had five lawful hatches on deck, a number greater than is usual or necessary in a legally-employed merchant vessel.

The master filed a claim in this case, and his proctor, by very voluminous interrogatories, which were put to the parties on both sides, endeavoured to shake the character of the evidence already received, or to draw forth some new feature for his client's interest. He was not, however, very successful in these objects; and particularly as regarded the persons employed under the marshal to keep charge of the prize pending adjudication, of whom he wished to impress the Court with the opinion that they were unworthy of belief. The object of this proceeding was to throw discredit on their statements respecting the finding of $5\frac{1}{2}$ pairs of shackles which had been built into the brick-work of the fire-place, and were there accidentally discovered by the head shipkeeper.

The claimant's proctor, in arguing his case before the Court, endeavoured to prove that, in the absence of all but one prohibited article on board of the "*Carolina*," that fact should be viewed as evidence that the article in question had been embarked for lawful purposes only; and also, by rather an ingenious argument, to show that the crew, and not the water-casks, should be held in this instance to be in excess.

To any such application of the Treaty between Great Britain and Spain, the Court at once objected when commencing to give judgment in the case. In the opinion given by the surveyors of the Court, that this schooner would have been properly manned as a legally employed merchant vessel with 6 Spaniards instead of 11, the Commissioners fully coincided, and were governed thereby in deciding how much water she might lawfully have carried, and which was declared to be 420 gallons, being a gallon a day per man for a voyage of 70 days. The water-casks were therefore capable of carrying 540 gallons more than was required for the use of the crew, and for which no satisfactory explanation had been made. That the construction to be put upon the fact of the schooner having this unnecessary number of water-casks should bring her within the operation of the Equipment article of the Treaty with Spain, the Court considered was strongly supported by the following circumstances: the unusual number of hatches in the vessel, which, though lawfully constructed, might from their number prove useful substitutes for grated hatches; the concealing of shackles on board; the construction of the cabouse, which, though not of the kind prohibited by the Treaty, having no slave-boilers to it, was nevertheless large enough, and might easily have been adapted for the use of such boilers; carrying a crew nearly double the number of that required to navigate the vessel; deviating from the route prescribed by the official papers to visit a notorious slaving port; and, lastly, that the excess of the water as previously described was about the quantity which would have been deemed necessary for the number of negroes which the vessel was capable of carrying, according to the Spanish mode of conducting slaving voyages.

The Court accordingly declared that the illegal equipment of the "*Carolina*" had been proved, and decreed the confiscation of both vessel and cargo on the 1st September, 1840.

12. The Spanish schooner "*Diana*," commanded and owned by Felipe Victoria, sailed from Cadiz on the 16th June, 1840, after having there been provided with the customary ship's papers.

Amongst these the "*Registro de viage*" deserves notice, for clearing out sundry articles of equipment without exacting the bond required by the Treaty between Great Britain and Spain. The bill of sale also shows the "*Diana*" to have been an old slaver, having been condemned here under the name of "*Iberia*" on the 5th May, 1826.

Although Trinidad de Cuba appeared in the papers as the destination of this vessel, such proved far from being the intended course, as Her Majesty's brig "*Saracen*" captured the "*Diana*" near to the Gallinas, on the 21st July, 1840. Some delay arose in presenting this case for trial in consequence of Lieutenant Hill being short of executive officers to bring up the prize. On the 28th August, however, the prosecution commenced, and after a most complete corroboration of the captor's allegation that the prize was "perfectly equipped for the Slave Trade," a decree of condemnation passed upon the "*Diana*" on the 7th September, 1840.

13. The Spanish schooner "*Sirena*," under the command of Manuel Muñiz, had scarcely dropped anchor in the Gallinas on the 17th August last, whither she had come with 90 tons of rice and many Slave-Trade fittings, when Lieutenant Hill, the captor of the "*Diana*," also made a seizure of this vessel. The ship's papers, issued at Havana, bear the usual impress of the illegal intentions of the vessel which they are to characterize. Not only is the destination fictitious, but an entry of 90 bags of rice appears in the Custom-house clearance, and water-casks are allowed to be shipped without the proper exaction of security for their lawful employment. In this instance, as well as that of the preceding case, the Custom-house authorities of Havana and Cadiz have again laid themselves open to the serious charge of great neglect of duty, if not of wilful connivance at deeds declared contraband by their own government.

The proceedings against the "*Sirena*" commenced in the British and Spanish Mixed Court on the 31st August, 1840, and ended on the same day as those against the "*Diana*,"—a similar offence, that of illegal equipment, having been satisfactorily proved against both vessels.

14. The Spanish brigantine "*Palmira*," Narciso Aldavó, master and owner, according to the ship's papers, was a vessel belonging to the port of St. Jago de Cuba, where she was fitted out in July, 1840, for a voyage to the river Bonny, for which destination she embarked a general cargo adapted for the Slave Trade of that river. The "*Palmira*," on her voyage from Cuba, touched at the Cape Verd islands, where she remained a few days and embarked some provisions, water, and tobacco, and then proceeded on her prescribed route towards the Bonny, when she was fallen in with by Her

CLASS A.

Majesty's sloop "Wolverene," Commander William Tucker (*b*), who detained her in 3° 59' north latitude, and 5° 48' east longitude, in consequence of her being equipped for the Slave Trade.

The detained vessel arrived at Sierra Leone for adjudication on the above-mentioned charge on the 9th October, 1840, and her prosecution commenced on the following day.

The evidence of the two witnesses sent up by the captor (the master and cook of this vessel) served in no way to explain or refute the charge of illegal equipment, which had been established by the sworn report of survey of the fittings of the brigantine, and which showed her to have two unlawful hatches; unnecessary divisions on deck in the form of moveable sleeping-berths; planks, not being cargo, and adapted to the formation of a slave-deck; more water-casks than necessary for the crew, and a slave-boiler.

The "*Palmira*" was in consequence condemned on the 19th October, 1840.

15. The schooner "*Felicidade*" was a vessel belonging to the port of Havana, and sailed thence under Portuguese colours, with Francisco Madeiros as the "captain of the flag;" and Pascual Garcia ostensibly as a passenger, but really as the Spanish master, and in command of that vessel.

The passport under which this vessel navigated was originally given by the Portuguese Consul-General Moreira, on the 7th February, 1833, at Rio de Janeiro, to a brigantine, bearing the name of "*Felicidade*," and appeared to have been only used once, as there was not any indorsement upon it until June, 1839, when the pro-consul for Portugal, Mr. Pasqual Pluma, certified that the brigantine had been altered in her rig, and converted into a schooner. Unfortunately for the character of this statement, the vessel, said to have been so altered in her rig, instead of proving to be, at the very least, nearly seven years old, turned out on examination by the officers of the Mixed Commission to be a new vessel; and thus was established the improper appropriation of an old Portuguese passport for the use of a new American vessel.

Under this passport, however, Mr. Consul Pluma cleared out this vessel for the notorious slaving port of Lagos *via* Bahia, which voyage having been completed, she was again cleared out by Mr. Pluma, with an ostensible destination of Monte Video, but really bound to the coast of Africa, where Her Majesty's brig "*Termagant*" fell in with and captured her, on the 5th June, 1840, for being equipped for the Slave Trade.

The detained vessel made her appearance in this harbour on the 16th of the same month, and was at once libelled in the British and Spanish Court, in which, the usual forms of proceedings having been gone through, the trial came on upon the 24th. From the acknowledgment of Spanish ownership by the witnesses themselves—a course of trade also Spanish—and from an equipment of undeniable illegality—the Court felt bound to declare the "*Felicidade*" and cargo good and lawful prize to the Crowns of Great Britain and Spain.

16. The Spanish schooner "*Paquete Veracruzano*," Antonio Aragon, master, bore all the characteristics of a regular Cuba slave-trading vessel, owned by Santiago Ruiz, an Havana merchant, documented at the same place, and there also fitted out in the usual illicit mode. The "*Paquete Veracruzano*" came direct to the coast of Africa; but happily, before much progress had been made in her unlawful career, this vessel became a prize to Her Majesty's brigantine "*Termagant*," off Grand Bassa, on the 14th October, 1840.

The captor's proctor brought forward his libel against the prize on the 27th October, founding his charges on the illegal nature of the "*Paquete Veracruzano's*" fittings. Nor did these allegations meet with any refutation from the witnesses in the case; but, on the contrary, both master and mate agreed in testifying to the illegality of their ship's equipment. Such being the result of the evidence produced in this case, a sentence of confiscation was passed on the 5th November upon the detained vessel and her cargo.

17. Although the schooner "*Porto Formoso*," José Maria Carvalho, master, sailed under Portuguese papers and the flag of that nation, and received on the present and preceding voyages a clearance, as well as the usual certificates, from Mr. Pluma, the Portuguese Consul at Havana, yet her ownership really vested in a Spanish merchant residing at that port, where her cargo was shipped, and the present voyage commenced. Prior to June, 1838, this vessel seems clearly to have been engaged in lawful commerce between London, Havre, Hamburg, and the Azores. A blank then appears in her history until June of the year following, between which period and the 23rd July, 1840, when Mr. Pluma cleared her out for Monte Video, the ostensible destination of the present voyage, the Spanish slave-trade seems to have been the occupation of the "*Porto Formoso*."

From Havana, on the 25th July, the "*Porto Formoso*" came direct to the neighbourhood of the Gallinas, and in sight of Cape Mount fell into the hands of Lieutenant Hall, commanding Her Majesty's brig "*Rolla*," on the 16th September.

After remaining a long time in the captor's possession, from his inability to spare an officer to take charge of the prize, on account of the pressing nature of the duty then devolving upon him, the "*Porto Formoso*" arrived here on the 28th October, and a monition went out against her on the following day, which expired on the 5th November, and after the proceedings in prosecution had been brought to a close. The Spanish nationality of the vessel having been set at rest by evidence of the facts of Spanish ownership and of a Spanish course of trade, and the master having admitted that the voyage was directed towards Gallinas, "in order, if possible, to procure a cargo of slaves," the British and Spanish Mixed Court awarded a decree of condemnation against the prize and her cargo on the 5th November, 1840.

18. The Spanish brigantine "*Vanguardia*," Manuel Irguierdo master, was originally a vessel belonging to the port of Havana, but sold on the 4th September, 1840, at Cadiz to Idefonso Garcia, who resold her on the 29th September to her late master, who altered her name from "*Ensayador*" to that which she bore when detained.

The "*Vanguardia*" was then cleared out at Cadiz ostensibly for a voyage to Trinidad de Cuba, having previously embarked a few trade goods, a large quantity of rice, and a regular slaving equipment. Thus prepared she quitted Cadiz on the 8th October, 1840, and took a direct course to the Gallinas, which place she had nearly reached when her detention took place by Her Majesty's ships "*Wanderer*" and "*Rolla*."

The detained vessel arrived here on the 1st December, and was immediately prosecuted before the proper Court as a Spanish vessel found illegally equipped,—a charge so satisfactorily established by the evidence of both the witnesses, the master and one of the Spanish seamen, that a sentence of condemnation was pronounced on the 9th December, 1840.

19. The Spanish schooner "*Reglano*," commanded by Manuel Fernandez, was fitted out at Havana in October, 1840, for a slaving voyage to this coast by Esteven Diaz, a Spanish merchant of that city, who despatched her thence with an ostensible destination to the Cape Verd Islands.

The "*Reglano*," though she touched at the Cape Verds on the voyage from Havana, merely embarked a few provisions there, and then proceeded direct to her real destination, Seabar in the river Sherbro, where the outward cargo was actually disembarked, and 350 slaves shipped as the schooner's return cargo.

On the 10th of December, Her Majesty's sloop "*Wanderer*," under the command of the Honourable Joseph Denman, fell in with and detained this vessel; and on the following 15th she anchored in the port of Sierra Leone, whither she had been sent for adjudication.

The usual proceedings in prosecution of this vessel commenced on the 16th of December before the British and Spanish Mixed Court, and ended on the 23rd in a decree of the said Court confiscating the "*Reglano*" and her cargo, and emancipating 348 slaves, the survivors of the 350 seized in this vessel.

20. The schooner "*Clara*," bearing the flag of the United States, with Samuel B. Hooker as Captain of the Flag, and Eugenio Vinai as Spanish Master, was seized by Her Majesty's brigantine "*Buzzard*," Lieutenant Fitzgerald, Commander, whilst at anchor in the river Nun on the 19th March, 1839, on the ground of her being a vessel entitled to a Spanish national character, and as such illegally equipped.

At the time of the detention of this vessel it was the intention of Lieutenant Fitzgerald to have sent her here direct for adjudication by the British and Spanish Mixed Court. The orders of the Senior Naval Officer, however, prevented his so doing, and led to his conveying this prize to New York, there to be delivered up to the Government of the United States as a vessel contravening American laws. After a considerable time spent in correspondence on this subject between the British Ambassador at Washington and the government of the States, it was ultimately decided that the American laws would not apply to a case like the present, which was in every way a Spanish, and not an American adventure. A fruitless attempt was then made by the captain to induce the Vice-Admiralty Court at the island of Bermuda to entertain this case; and Lieutenant Fitzgerald then determined to come hither with his prize, according to his original intention at the time of seizure. The "*Buzzard*" and "*Clara*," accompanied by the "*Eagle*," another prize detained under very nearly similar circumstances to the "*Clara*," accordingly sailed from Bermuda, and shortly afterwards, having met with a very heavy gale, the "*Eagle*" went down, and the "*Clara*" was lost sight of. The "*Buzzard*," however, prosecuted her voyage hither, and in the month of January in the present year the captor instituted proceedings against the "*Clara*" in the British and Spanish Mixed Court. That portion of the papers filed in this case which were to support the vessel's nationality, consisted only of a mutilated United States' Register for the "*Clara*," and a bill of sale and muster-roll of the vessel, the latter two duly authenticated by the American Consul at Havana. The other papers in the case showed that a Spanish cargo had been embarked by the Spanish Supercargo in the port of Havana for the island of St. Thomas, on the actual account of Forçade and Company of Havana; and that that cargo had not been delivered at its proper destination, but bartered in the river Nun for slaves, with whom to load the "*Clara*" on her return to Cuba.

Whilst this vessel lay at New York one of the witnesses in the case, the American Master, Hooker, died, and the others escaped from the custody of the seizers. The only evidence obtainable in the case, in consequence of these occurrences, proved to be the two sworn declarations of the captor and his affidavit of seizure, which latter also authenticated the papers found in the prize. These three attested documents contained a very full account of the whole of the proceedings from the time of the detention of the "*Clara*," and in addition to what has been already mentioned regarding this vessel, the papers in question contained a signed declaration of the American Master, setting forth that the bill of sale and other papers, under which this vessel had assumed an American character, were false and fraudulent.

The Court did not, however, proceed to adjudication in this case on its first presentation, but ordered it to stand over for twelve months, with the object of ascertaining in the mean time, if possible, the fate of the vessel.

Proof of the existence of the "*Clara*" having been lately tendered, by which it appeared she had reached the Bahamas after the gale previously alluded to, and thence had been conveyed to Jamaica, where from unseaworthiness she had been hauled up, the Court proceeded to her adjudication on the 31st December, 1840; and as it clearly appeared that the "*Clara*" could not derive a sufficient American character from the papers she carried to entitle her to navigate the high seas, and as every circumstance connected with her created the impression of her being *bonâ fide* a Spanish vessel, and engaged in Spanish Slave Trade, for which she was fully equipped, her condemnation was accordingly pronounced.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

Sierra Leone, December 31st, 1840.

No. 69.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 14, 1841

(Received May 4th.)

MY LORD,

THE case of the schooner "*Recurso*," the Report of which we have now the honour to enclose, is that of a nominal Portuguese, but really Spanish

vessel, prosecuted and condemned on the 11th instant in the British and Spanish Court, for having an illegal equipment for a slave cargo, as the master himself admitted.

The capture of the "*Recurso*" was effected on the 22nd November, 1840, in the Bight of Biafra, by Her Majesty's brigantine "*Forester*," Acting Lieutenant Norcock commanding, as set forth in the Declaration made at the time of detention.

All the ship's papers are Portuguese; the passport was even granted at Lisbon by the Minister of Marine, and as far as documents could impress that character upon a vessel, the "*Recurso*" possessed every appearance of belonging to the commercial marine of Portugal. Opposed, however, to this we had the admissions of Ramon Trillo, the master, who freely stated that the owner, Da Cunha, although a Portuguese, had resided during the last two years at Havana. The present as well as the preceding voyages had commenced at Havana; the first ended at that port; and that a similar termination awaited the latter the master himself avowed on examination. The fact of a Spanish course of trade, combined with that of a Spanish domicile for the owner of this vessel, we considered more than outweighed the doubtful proof of nationality afforded by the Portuguese papers; the more especially, as the practice of assuming Portuguese documents to cover Spanish and Brazilian property has so long prevailed, and so frequently been brought under your Lordship's notice: the "*Recurso*" was accordingly condemned.

On board the "*Recurso*" sailed the well-known slave-dealer Juan or Joao Balba, alias Barba, apparently only a passenger, but, as in the cases of the "*Violante*" and "*Lark*" condemned in 1839 and 1840, the supercargo for the voyage. The presence of such a person went far to identify the vessel, from his former pursuits, with illegal Slave-trading: the master's voluntary admissions, however, rendered proof of this corroborative nature quite unnecessary.

We have, &c.

(Signed)

JOHN JEREMIE.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 69.

Report of the Case of the Schooner "Recurso," Ramon Trillo, Master.

THIS vessel sailed under the flag of Portugal, in virtue of a passport from the Minister of Marine at Lisbon, dated 2nd September, 1836, which described the vessel as belonging to Oporto, owned by José da Cunha, and at that time commanded by Manoel Antonjo dos Santos. The "*Recurso*" cleared out at Oporto on the 22nd of October, 1836, for Pernambuco and the ports of Brazil, as appears by an indorsement on the passport; but whether she ever visited those ports is uncertain, as there is no notice of her proceedings from that time until the 13th of October, 1839, when we find her cleared out at Havana, by the Pro-Consul for Portugal, for a voyage thence to the river Bonney. On the 2nd of September, 1840, the Pro-Consul again cleared her out for an ostensible voyage from Havana to Santa Cruz in Teneriffe; a course which it is almost needless to observe was neglected for her real destination, the river Nun, in the Bight of Biafra.

The only other ship's papers found on board besides the passport were a muster-roll and log-book, the former of which stated the vessel to be navigated by a crew of twenty-eight persons, and to have on board as a passenger for Santa Cruz a Spaniard named Joao Barba, otherwise Juan Balba. The log described the voyage as commencing at Havana on the 4th of September, 1840, whence the vessel crossed the Atlantic direct for the Cape Verd Islands, which were sighted on the 10th of October, and she then proceeded at once for the Bight of Biafra, where she was captured on the 22nd of November last.

On the 26th December, ultimo, the Marshal to the Courts notified in the usual way the arrival of the "*Recurso*" in this harbour on the previous day; and, on the following 28th, measures were taken in prosecution of the schooner as a vessel having a real Spanish nationality, in which character she was illegally equipped.

The ship's papers, properly authenticated by the affidavit of the prize-officer, were then ordered to be filed with the declaration of the captor; the usual monition was issued, and the witnesses produced ordered for examination.

The seizer's declaration was as follows:—"I, George Lowcay Norcock, acting Lieutenant and Commander of Her Britannic Majesty's brigantine '*Forester*,' do declare that, on the 23rd of November, 1840, being in about latitude 4° 4' N., and about longitude 6° 6' E., I detained the two-topsail schooner or vessel called the '*Recurso*,' under Portuguese colours, commanded by Ramon Trillo, and navigated by twenty-seven men, for being perfectly equipped for and engaged in the Slave Trade.

" I do further declare, that at the time of capture the said schooner was fitted with—

" 1st. Hatches with iron bars, forming open gratings.

" 2nd. A complete slave-deck.

" 3rd. A very large number of shackles and bolts, such as are used for securing slaves.

" 4th. A much larger quantity of water, and casks for holding water, than are requisite for a merchant-vessel.

" 5th. An extraordinary quantity of rice, salt-meat, and bread.

" 6th. Coppers fitted for receiving an iron boiler, capable of cooking food for from three hundred to four hundred persons; the boiler being in the hold of the said schooner.

" I do further declare that the said schooner is stated by the captain to have sailed from the Havana for the Rio Nun, for a cargo of slaves, and to proceed from thence back to the Havana.

" I do further declare that I have taken from the '*Recurso*,' from absolute necessity, for the use of Her Majesty's service—the '*Forester*' being in need of an immediate supply of provisions—the following stores:—

Rice	.	.	.	4,400 lbs.
Bread	.	.	.	330 do.
Salt Meat	.	.	.	1,440 do.
Water	.	.	.	13 tons.

And a large quantity of firewood.

And that the purser has taken them in charge."

On the 30th of December the witnesses were examined by the Registrar on the standing and special interrogatories, when the master, Ramon Trillo, deposed as follows:—That " he was born in Lisbon. Has lived at Havana for the last nine years. Is a subject of Portugal, and has never served any other state. Is not married. He was appointed to the command of the vessel, and possession was given to him, at Havana, in August last, by the owner of the vessel, Jozé da Cunha, a resident of Havana, but a Portuguese subject. First saw the vessel there in August last. Does not know where she was built. He was present at the time of seizure. Does not know for what reason the vessel was captured. Was sailing under Portuguese colours, and had no others on board. The vessel's name is '*Recurso*;' she has never been called by any other name, to his knowledge. She is about eighty-five tons burthen; and had a crew of twenty-two officers and mariners, exclusive of witness; all Portuguese; all shipped at Havana in September last, by witness. Neither he nor any of the officers or mariners had any interest in either vessel or cargo. Was master on board. There was one passenger, a Spaniard, named Juan Balba, a merchant, taken on board in Havana for a passage to the Canaries. Does not know what his business might be there. The said Juan Balba had no property concern, or authority, directly or indirectly, respecting either vessel or cargo. The present voyage began and was to have ended at Havana. That was the last port of clearing. The vessel did not touch at any port or place whatever during the voyage in which she was captured. The vessel was captured in sight of Calabar, about eight miles from the shore, on the 23rd of November last. The reason the vessel was so much out of her course (being bound for the Canaries) was that she had been carried to that part of the coast of Africa by the currents and bad weather. The vessel has no guns mounted. There were eighteen muskets and twelve cutlasses, and three hundred ball-cartridges, on board, for defence against pirates. No resistance was offered. Had no instructions for avoiding capture, or for concealing or destroying any of the vessel's papers. Jozé da Cunha is the sole owner of the vessel; knows it from having been put in charge by the said Da Cunha. The said owner is a Portuguese by birth, and a subject of Portugal. He is unmarried. Has resided for the last two years at Havana. Does not know where he lived previously. He knows nothing of any bill of sale, or the price of the vessel, or whether the same has been paid; verily believes that the vessel, if restored, will belong to the said Jozé da Cunha and to no other person. Knows nothing of any private agreement. He knows nothing respecting the last voyage of the vessel. There is no cargo on board, and no slaves have been taken on board during the voyage. All the passports and other papers found on board are entirely true and fair. Knows of nothing to affect their credit. No papers whatever which were on board the vessel when she left the Havana have been destroyed, concealed, or made away with in any manner. He knows of the existence of no other papers respecting vessel or cargo in any country or place whatever. He knows nothing of any charter-party. He does not know whether the vessel is insured. The vessel is under witness's sole direction and management in regard to her trade. Corresponds with no person respecting her. The coamings of the hatchways are bored, and there are round iron bars to fit them, 22 in number. The hatchways are so fitted for the purpose of securing a cargo of slaves, which witness states it was his intention to take on freight, if he could get employment for the vessel in that way on the coast. There are only the bulkheads of the cabin and fore-castle below, and two sleeping-berths on deck. There are no spare planks on board. There is a slave-deck fitted fore and aft. There are about 40 leg-irons and a box of neck-irons on board for securing the slaves. There are about 100 water-casks, large and small. Does not know the quantity of water they are capable of containing. There are no staves or tanks. All those casks except three were filled with fresh water at the time of capture for the use of the intended cargo of slaves. There are about 30 tin mess-pans for the use of the slaves. There is one large iron boiler for the use of the slaves. There were 20 bags of rice, 2 bushels each, and 1 bag of beans, for the use of the crew and of the slaves."

The second witness in the case selected from the detained crew by the captor's proctor was the cook of the "*Recurso*," José Rego. His evidence, as was to have been expected, proved meagre indeed as regarded the only important feature in the case—the proof of the *bona fide* nationality of the schooner. He declared his entire ignorance of Jozé da Cunha, the ostensible Portuguese owner at Havana; of everything respecting the vessel before this voyage; and of the object of her having had illegal equipment on board when he sailed in her. On one point, however, he proved to be informed—that the voyage commenced, and was to have ended, at the port of Havana. Fortunately for the captor, the ill-selection of this witness by his proctor, when the mate and Spanish supercargo were also at his command, neither delayed nor injured his case; the ship's papers and master's evidence furnishing sufficient grounds whereon to proceed to adjudication. The Court, however,

when deciding the case, remarked upon the evident carelessness exhibited by the proctor in this instance, as well in the selection of his witnesses as in the other proceedings; and, calling his attention to the 4th Article of the Regulations for the Mixed Commissions, warned him against the like want of care for the future.

Publication passed in this cause on the 1st instant; and, on the 4th, the monition was returned into Court certified to have been served.

On the 11th instant the British and Spanish Mixed Court assembled for the trial of the "*Recurso*," and the following judgment was pronounced.

The only question for consideration in this case appeared to be, whether the Court could decline acknowledging this vessel in her Portuguese character, to which the official papers gave her an apparently fair claim; or declare her, on the contrary, entitled to a Spanish nationality, as urged by the captor's proctor: for no inquiry appeared necessary respecting the question of illegal equipment, the point which usually follows the settlement of the *bona fide* nationality of a prize, in consequence of the free admissions of the master that this vessel was fully fitted for the Slave Trade.

The evidence which had been received on the subject of this vessel's nationality calculated to put aside that derivable solely from her ship's papers was found in the examination of the master, who had stated distinctly that the owner of this vessel had resided at Havana for the last two years. This statement of the master received corroboration from the two endorsements on the back of the passport for the schooner, made at Havana on the 13th of October, 1839, and 2nd of September, 1840, on which dates she respectively cleared out thence for the Bonney; and on her last voyage, which was evidently, though not ostensibly, for the neighbourhood of the same place. The master had also deposed that the last voyage commenced and was to have ended at Havana; a proof in itself of a Spanish course of trade during the period alluded to. And as to the intended termination of the present voyage at Havana, the Court had also, in corroboration of the master's testimony, the evidence of the cook; being the only point of the slightest interest in respect to either the vessel or her voyage upon which the cook had professed to be informed.

It was also considered by the Court by no means an unimportant feature in the case that Juan or Joao Balba, *alias* Barba, was found on board this vessel as a passenger, when this fact was associated with his connexion with the Portuguese schooner "*Violante*" (formerly the "*Mary Anne Cassard*"), condemned with slaves on board in January, 1839, and with the schooner "*Lark*," condemned in this Court in March, 1840, in both of which vessels Balba was ostensibly a passenger, but virtually the director of the Spanish interests employed in those adventures. It could not be supposed that he had been on board the "*Recurso*" in any other situation than that of supercargo, the office which he was proved to have filled on board the "*Violante*" and the "*Lark*." The master had certainly stated that Balba embarked in this vessel as a commercial passenger for conveyance to the Canaries; but he was found, notwithstanding, most patiently submitting to be conveyed in a nearly direct course from Havana to the Nun or Bonney, near to which rivers the vessel was detained, without uttering one word of complaint for having been forced so many hundred miles away from his professed destination. The presence of this man on board of the "*Recurso*" was in itself a circumstance calculated to impress on the vessel and her voyage a doubtful character; and that he was there only for carrying out some plan connected with the evasion of the Treaty with Spain for the suppression of the Slave Trade the Court could not entertain a doubt.

With reference to the Spanish course of trade in which the "*Recurso*" had been engaged, it was within the knowledge of the Court that, previous to her last two voyages from Havana, she had arrived at that port ostensibly from St. Thomas's on this coast on the 4th October, 1839; a voyage of the illegality of which there could be as little doubt as there was respecting the unlawfulness of the present one, which the master had openly avowed to the seizer was to convey slaves from the river Nun to Havana.

Under all the circumstances the Court considered that the prosecution of the "*Recurso*" as a vessel entitled to a Spanish nationality had been properly undertaken, and that that charge had also been proved. And as the illegal equipment of this vessel had been freely acknowledged by her master to have been on board for the use of a cargo of slaves, the Court had only therefore to pronounce the vessel and cargo good prize.

Sierra Leone, Jan. 14, 1841.

(Signed)

WALTER W. LEWIS.
JOHN JEREMIE.

No. 70.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 5, 1841.

(Received May 4.)

MY LORD,

IN this Despatch we have the honour to transmit to your Lordship our report of the case of the schooner "*San Paulo de Loando*," which was condemned in the British and Spanish Mixed Court established here on the 1st instant.

This vessel was seized on the 11th of December, 1840, by Her Majesty's brig "*Saracen*," Lieutenant-Commander Hill, off Seabar, in the river Sherbro, whilst sailing under the flag and pass of Portugal, on the ground of her being really a Spanish vessel, and as such illegally equipped; which charges the seizer succeeded in establishing to the satisfaction of the British and Spanish Court, as above mentioned.

Commander Hill kept this prize in the *Sherbro* for six weeks after her seizure, in consequence of having no executive officers on board the brig whom he could spare to send up with her.

This schooner, as your Lordship will perceive from our report, sailed under a Lisbon passport, dated 2nd of December, 1836, and was therefore, according to that document, upwards of four years old when condemned. Of this, however, we were led to entertain some doubt, from finding among the papers of this vessel a list of the stores and sails of the American schooner "*Salazar*" at the time of her sale. On inquiry we learned, from the officers of the Court, that the "*San Paulo de Loando*" was a perfectly new vessel, and in her first voyage. In the Havana Commissioners' lists we found that a *Portuguese* schooner, called "*Salazar*," cleared out thence for St. Paul de Loando on the 20th of October, 1840; and as the consular and custom-house papers of the vessel now reported as condemned all bear the same date, there seems good reason for suspecting that the "*Salazar*" and the "*San Paulo de Loando*" are but different names for the same vessel; particularly as the descriptions of the rig and tonnage of both vessels agree.

We have learned from good authority that the Spaniards and Portuguese landed in the colony from condemned slave vessels freely admit, indeed boast, that most of their Portuguese papers are entirely false, as in the present instance.

The ostensible owner of the "*San Paulo de Loando*," Jozé dos Reis, appeared also in the same character in respect to a vessel bearing a similar name, condemned here on the 18th June, 1840.

Manoel de Abaroa, who was on board this vessel as a passenger, was formerly first mate and ostensible owner of the Spanish schooner "*Semiramis*," condemned here on the 13th of October, 1835.

We have, &c.

(Signed)

L. HOOK.

W. W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 70.

Report of the Case of the Schooner "San Paulo de Loando," Jozé Maria Amezaga, Master.

THIS vessel, at the time of her seizure, was found provided with the following official papers:—

1. A Lisbon passport.
2. Muster-roll from Havana.
3. Havana custom-house clearance.

These papers showed that Jozé dos Reis was owner of this vessel in December, 1836, when he obtained a passport from the Minister of Marine at Lisbon, and dispatched her on a voyage to the Cape Verds and the ports of Africa, under the command of João de Silva Coelho. From the first of the two indorsements on the pass it appeared that she was at Oporto on the 22nd of October, 1838, whence she again cleared out for the Cape Verds; and from the second indorsement we learned that the Portuguese Pro-Consul at Havana dispatched her thence on the 20th of October, 1840, with a similar destination.

The schooner carried a crew of 28 persons; had a Spanish master mariner, named Manoel de Abaroa, on board as a passenger for the islands of St. Thomas's and Prince's; and embarked 31 boxes of rice as cargo, which, from being in the clearance of the vessel, was deprived of its true character of an article of illegal equipment.

In addition to the foregoing papers, there was a personal passport for José Gorordo, who is named as first mate in the muster-roll, which described him as proceeding to the islands of Prince's and St. Thomas, and not to the Cape Verds, whither the vessel was ostensibly bound.

A list of the number and capacity of the water-casks on board the vessel, which showed that there were 78, equal to carrying 8408 gallons.

A paper marked an "Inventory of the American Schooner '*Salazar*.'" This paper, in addition to containing a list of the sails and stores of the schooner, had also her tonnage, and a note stating that "the stores were to be sold separately." The description of the sails in this list agreed exactly with the rig of the "*San Paulo de Loando*" at the time of her seizure, whilst the length, breadth, and depth of the "*Salazar*," as given in the Spanish measurement above alluded to, did not vary more than two inches from the English measurement of the "*San Paulo de Loando*." They may, therefore, fairly be presumed to be one and the same vessel.

A letter from Miguel Antonio de Uriarte to Joaquim Pereira de Abreu, dated Algorta, 4th June, 1840, introduced his brother-in-law, Manoel de Abaroa (the passenger in the schooner), and recom-

mended him for employment by Abreu in one of his vessels, as Abaroã "*had made several voyages to the coast,*" and in his last trip "*commanded the schooner 'Gallega,' belonging to Pedro Martinez.*"

The log-book of this vessel began at Havana, on the 22nd of October last, and showed that on the 20th of November she passed in sight of the Cape Verd Islands, and on the 10th of December last the log ends near the Sherbro, where she was detained by Her Majesty's brig "*Saracen.*"

On the 23rd of January, ultimo, the captured schooner anchored in this port, and was immediately reported by the Marshal to the Mixed Court.

Proceedings in prosecution of this vessel were commenced on the 25th ultimo, when the ship's papers and declaration of the captor were ordered to be filed, the monition to be issued, and the witnesses in preparatory to be examined.

In the affidavit of seizure the captor explained that the great delay which had taken place between the time of detention and that of the arrival here of the prize for adjudication, was owing to the want of an executive officer on board the capturing ship who could be dispatched to convey the prize hither.

The seizor's declaration was as follows:—"I, Lieutenant Henry Worsley Hill, commander of Her Britannic Majesty's brig '*Saracen,*' hereby declare that on this 11th day of December, 1840, being off the Seabar, river Sherbro, I detained the schooner named the '*San Paulo de Loando,*' sailing Portuguese colours, armed with 1 gun, 12-pounder, commanded by Jozé Maria Amezaga, who declared her to be bound from Havana to the coast of Africa, with a crew consisting of 28 men and boys, no supercargo, and one passenger, 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.

"I do further declare that the master, Jozé Maria Amezaga, informed me he did not know who was the owner of the vessel, but that the voyage commenced at Havana, where it was to end; and from what I have subsequently heard from the passenger, Manoel Abaroã, I have every reason to believe he is himself, with Don Juan Sanchez, of Havana, the joint owner of the schooner."

The examination of the witnesses took place before the Registrar on the 26th ultimo, when the master, Jozé Maria Amezaga, deposed that "he was born in Algona, in the province of Bilboa, in Spain. Has lived at Corunna, where his wife and family have resided for the last four years. Is a subject of Spain, and has never served any other state. He was appointed to the command of the vessel, and had possession given him in Havana, in October last, by Don Juan Sanchez, a resident of that place, and witness believes a Spanish subject. Witness first saw the vessel there a few days before he got charge of her. She is American built. He was on board when the vessel was captured under the pretence that she was employed in the Slave Trade. Sailed under Portuguese colours, and had no others. The vessel has never been called by any other name than that of '*San Paulo de Loando,*' to witness's knowledge. She is 110 tons burden; and had 28 officers and mariners, exclusive of witness; part Portuguese, part Spaniards; all shipped in Havana by the boatswain in October. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There were two Spanish passengers, Manoel Abaroã and José Gorordo, formerly masters of vessels, but now engaged in trade; they were embarked in Havana for a passage to this coast. Does not know for what purpose they were going there; neither of them had any interest or authority on board, either in the vessel or her lading. Havana was the last clearing port, and the voyage commenced and was to have ended there; from thence the vessel proceeded towards the Cape Verds, but on account of foul winds could not reach them. Did not touch or anchor at any place previous to capture. Capture took place off the Seabar on the night of the 10th or 11th of December by means of the boat of the man-of-war. First saw the capturing-vessel a few hours afterwards. There was no chase; it was a calm. The course of the vessel was always adhered to when the weather would permit, according to the papers; but the winds and currents would not allow him to reach the Cape Verds. There is 1 gun mounted, 24 muskets, and as many cutlasses, and some powder, for the defence of the vessel against pirates on the coast of Havana. No resistance was made. There were no instructions to resist or avoid capture, or for concealing or destroying any papers. The said Juan Sanchez is the owner of the vessel. Knows it from having received the charge from him. The said Sanchez resides with his family in Havana, and has lived there many years. Does not know of what country he is a subject. Believes him to be a Spaniard by birth. Does not know where he lived before he resided in Havana. He knows nothing of any bill of sale, or the price of the vessel, or if it be paid. Believes the vessel will belong to Sanchez, if restored. Knows of no private agreement. The owner of the vessel is also lader and owner of the rice, which is the only cargo on board. There was no consignee. The lading, if restored, will belong to the said Sanchez. He knows nothing of the former voyage; the only present lading is rice. No slaves were shipped during the present voyage. The vessel, after capture, was kept anchored in the Sherbro, until brought up to Sierra Leone. The papers delivered up were all true and fair. No papers were destroyed, concealed, or made away with. There are no other papers in any country to witness's knowledge. There was no charter-party. The vessel and lading were not insured. She was under his sole management in regard to her trade. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit the same. They are so fitted for a cargo of slaves. There are the bulkheads of the cabin, steerage, and fore-castle, below, and there are two single sleeping-berths on deck. There are a few spare planks for the repairs of the vessel, not marked or numbered. There is a slave-deck laid fore and aft. There are about 30 pairs of shackles for slaves in case he should ship any. There are about 60 pipes, partly filled with fresh water, and intended for the use of the slaves. There were about 40 mess-tins for the use of the slaves. There is a large iron boiler for the use of the slaves. There are about 50 or 55 bags of rice for the use of the slaves."

Francisco Perez, boatswain of the detained vessel, confirmed by his depositions the statements of the master in respect to Juan Sanchez, of Havana, being the owner of the schooner, and that the voyage commenced and was to have ended at Havana. He also confirmed the master's description of the illegal fittings of the schooner, but professed ignorance of the object with which they had been embarked.

Publication passed in the cause on the 26th ultimo; and on the 1st instant, the monition having been returned, the Court assembled for the trial of this schooner.

In giving judgment the Court observed that it appeared by the passport this vessel was owned by Jozé dos Reis, apparently a resident of Oporto; but the master and boatswain had deposed that at the present moment the *bonâ fide* owner was Juan Zanchez, or Sanchez, a person who has lived for some length of time at Havana, and who had despatched the vessel thence to this coast, and to return to

Havana. There was therefore well-grounded suspicion respecting the real nationality of this vessel ; and if Zanchez or Sanchez was not, as had been asserted, the owner, he had certainly been put forward to cover the name of the owner. In respect, however, to Jozé dos Reis, the person named in the passport as proprietor of the schooner, the Court had lately received evidence in the case of a former ostensible Portuguese slave-vessel, also from Havana, called the "*Sao Paolo de Loando*," which appeared to bear on this prosecution. In the case referred to Reis was described in the temporary Portuguese passport as owner ; and according to the certificate of the Portuguese Consul at Havana, dated April, 1840, Reis had then been domiciled in that city twelve months, and had therefore fairly become entitled to a Spanish national character.

Under these circumstances it seemed unimportant which of these two persons was the *bonâ fide* owner of this vessel, as in either case her Spanish nationality would be complete ; and as the illegal equipment for slaves had not been disputed, the Court declared her a good and lawful prize to the Crowns of Great Britain and Spain.

(Signed)

L. HOOK.
WALTER W. LEWIS.*Sierra Leone, February 5th, 1841.*

No. 71.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, February 5, 1841.**(Received May 4.)*

MY LORD,

THE schooner "*Boã União*," commanded by Francisco Jozé Olindes, and sailing under the Portuguese flag, was seized on the 19th of December last, off Seabar, in the river Sherbro, by Lieutenant Commander Hill, of Her Majesty's brig "*Saracen*," and sent to this port for adjudication as a vessel entitled to a Spanish character, under which she was illegally equipped.

On the 25th January ultimo the detained vessel came into port. Her prosecution was commenced on the same day in the British and Spanish Mixed Court, and terminated on the 1st instant in a sentence of condemnation founded on evidence of the clearest description.

Our report of this case we have the honour herewith to transmit to your Lordship.

This vessel has been a very successful slaver previous to her late voyage, having during the last year carried off two full cargoes of slaves from the Gallinas, shipped by the factor there of the house of Martinez and Co. of Havana, as appeared by one of the account-books, which the commander of Her Majesty's sloop "*Wanderer*" obtained when the slave-factories of the Gallinas were destroyed.

We have, &c.

(Signed)

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

Enclosure in No. 71.

*Report of the case of the schooner "Boã União," Francisco Jozé Olindes, Master.**Sierra Leone, February 5, 1841.*

THIS schooner was found sailing under a Portuguese pass, granted by the Minister of Marine at Lisbon on the 7th of April, 1834, in favour of Vencislão Fermino da Malta, a Portuguese subject, and for a voyage to the Azores and back to Lisbon, under the command of Jozé Maria Franco. The vessel does not appear to have returned to Lisbon, for the first endorsement on the pass is by the Portuguese Pro-Consul at Havana, Mr. Pasqual Pluma, on the 12th December, 1839, when he cleared this vessel for St. Thomas, with Gerardo Tiron as Master. On the 21st April, 1840, Mr. Pluma certifies that Tiron was superseded in the command by Francisco Jozé Olindes, but for what voyage is not mentioned ; and a third endorsement by the Pro-Consul on the 7th of September, 1840, for the present voyage, describes the schooner as bound to the Cape Verds.

The muster-roll was authenticated by the Portuguese Consul two days subsequent to his endorsing the pass, and the crew was therein stated to consist of 21 persons.

A clearance from the Havana Custom-House, dated 9th of September, 1840, showed that only 24 boxes of rice had been embarked in addition to the necessary ship's provisions and stores. This document agreed with the passport and muster-roll in describing the Cape Verds as the vessel's destination.

CLASS A.

The personal passport of Francisco Lavendeyra, who appears in the muster-roll as first-mate, state that he was proceeding to the islands of St. Thomas and Prince's.

There was also a passport for a passenger in this vessel named *Gerardo Tiron*, who is described as a pilot by profession, and, like the first-mate of the schooner, proceeding to St. Thomas and Prince's. This Tiron would appear to be the same person that the present master superseded in the command as previously mentioned, and being a Spaniard, was in all probability on board as the real master of the vessel, Olindes being only "captain of the flag."

The log-book of the schooner states the voyage to be for the Cape Verds, St. Thomas, and Prince's; and that she left Havana on the 10th September, 1840. Stress of weather compelled her to put back, and on the following 17th the vessel again put to sea, making the best of her way across the Atlantic to the river Sherbro, near to which she was captured on the 9th of December last, the day previous to which the log ended.

On the 25th of January ultimo the detained vessel anchored in this harbour, and her arrival was at once reported by the Marshal to the Court.

Proceedings in prosecution of this vessel as one entitled to a Spanish nationality, and being in such character illegally equipped, were on the same day commenced; and orders given for the filing of the ship's papers and seizer's declaration, the issue of the usual monition, and for the examination of the witnesses produced by the captor.

The declaration of Lieutenant Commander Hill, of Her Majesty's brig "*Saracen*," explained "That on the 9th day of December, 1840, being off the Seabar, river Sherbro, he detained the schooner '*Boã União*,' sailing under Portuguese colours, armed with two guns, commanded by Francisco Jozé Olindes, who declared her to be bound from Havana to the coast of Africa with a crew consisting of 21 men and boys, and having on board no slaves, but fully equipped for the Slave Trade.

"He further declared that the master, Francisco Jozé Olindes, informed him he was the owner of the vessel, that he had resided at Havana for the last three years, where the present voyage commenced, and was to have ended."

Commander Hill, in explanation of the great lapse of time between the date of detention and of the vessel's arrival for trial, the 9th of December, 1840, and the 25th January, 1841, stated in his affidavit of seizure, that "having only one executive officer on board Her Majesty's brig '*Saracen*,' he was unable to send the schooner to this port for adjudication at an earlier period."

The examination of the witnesses took place before the Registrar on the 26th ultimo, when the master, Francisco Jozé Olindes, deposed as follows:—That "he was born in Lisbon; has lived at Havana for the last four years. Is a subject of Portugal, and has never served any other state. Is not married. He appointed himself to the command, being the owner. Received possession of the vessel from the former owner and master (whose name he does not remember, but it is in the vessel's passport) at Havana in July last year. First saw the vessel there about a year since; does not know where she was built. He was present when the vessel was captured; the vessel was seized under pretence that she had come to the coast for the purpose of being engaged in the Slave Trade. Sailed under Portuguese colours, and had no others on board. The vessel has never been called by any other name than '*Boã União*' to witness's knowledge. She is 99 tons burthen, and had 23 officers and mariners, exclusive of witness, all Portuguese, hired and shipped by witness in Havana in September last. None of the officers or mariners, with the exception of himself, had any interest in either the vessel or her lading. Was master and owner. There was one passenger, one Gerardo Tisan (Gerardo Tiron), a Spaniard; does not know his profession; he was taken on board at Havana for a passage to Cape Verds, whither he was going on a visit to his brother. The said passenger had no authority on board, nor any interest in the vessel or her lading. The present voyage began and was to have ended at Havana; that was the last clearing port. The vessel sailed thence for Cape Verdes, but had not touched or anchored at any place previous to capture. The capturing vessel's boat was first seen off the Seabar, river Sherbro, on the 9th December last, about 9 o'clock in the morning, and capture took place about half an hour afterwards. There was no chase, it was a calm. The vessel was steering for Bonny when she was captured. The reason she did not go to the Cape Verds was, that the currents had carried him to the southward; and when he got on the coast the calms were so prevalent he considered it in vain to attempt to reach them. There is no gun; there are about 12 muskets and as many cutlasses, and a small quantity of cartridges, for the defence of the vessel against pirates. There was no resistance made, and there were no instructions for avoiding capture, or for concealing or destroying any of the vessel's papers. He is sole owner of the vessel. There was a bill of sale; it is now in Havana, at the Custom-house; it was dated 15th July, 1840, and was made by the former owner (whose name he does not remember) in the presence of Antonio Pacheco and Manoel Tomas, two Portuguese, residing in Havana; has not seen the paper since the day it was executed. The price was 14,000 dollars, all paid at the time in cash. The sale was a true one, and the vessel will belong to witness only if restored. There was no private agreement. There is no cargo on board, except 30 puncheons of rice, laded by witness, who is also sole owner and consignee; and the said lading, if restored, will belong to no other person. He knows nothing about the previous voyage of the vessel. The only cargo on board is rice. No slave was taken on board during the present voyage. The vessel after capture was carried about cruising with the capturing vessel, until she was brought in here. The papers delivered up are all true and fair; no papers were destroyed, concealed, or made away with. There are no papers, excepting the bill of sale, in any country relating to vessel or cargo. Neither the vessel nor her lading is insured. She was under witness's sole management, and he corresponds with no one respecting her. Bulk was not broken during the voyage. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit them. They are so fitted for securing slaves. There are the bulkheads of the fore-castle and cabin below, and on deck there are two single sleeping berths, but not fastened to the deck. There is no spare plank on board. There is a slave-deck laid fore and aft. There are 14 or 15 shackles on board, for the purpose of keeping the crew in order. There are about 57 or 58 pipes and water-casks. Does not know the quantity of water they may be capable of containing; they were all filled with fresh water at the time of capture. It was there for ballast for the vessel. There were 30 mess-tins; they were on board in case of witness's getting a cargo of slaves. There is a large iron boiler for the use of slaves, in case witness should get a cargo of that description. There were 30 puncheons of rice and 2 bags of beans; the latter for the crew, the former to feed slaves with, in case he should get that kind of cargo."

Andreas Francisco, the boatswain of this vessel, was the second witness produced by the captor. The testimony of this person was corroborative of that of the master, in respect to his being also the owner of the vessel; as to the fact of a Spanish passenger having been on board, of whose destination however, this witness professed ignorance; and as to the vessel's thorough equipment as a slaver. The boatswain chose to deny all knowledge of the object with which the illegal fittings were on board the detained vessel, not having understood, it may be presumed, that his captain intended to use no reservation on this subject, but boldly to avow their being in the vessel for the use of slaves.

Publication passed in the cause on the 26th ultimo, and on the following 29th a petition for a day of trial came in.

The monition, which had issued on the 25th ultimo, was returned, duly certified, on the 1st instant, on which day the Court assembled for the adjudication of this vessel.

The master having declared that he was the owner of this vessel, though on this point he had contradicted the passport, the Court was nevertheless inclined to acknowledge him in that character, as he appeared to have been considered so by all on board of his vessel. A Spanish domicile having been proved in evidence for the master and owner of this vessel, and the passport plainly establishing a Spanish course of trade, the Court held that she was entitled to a Spanish national character. And as the illegal fittings of the schooner were admitted by the owner to be for a cargo of slaves, a sentence of condemnation of vessel and cargo was accordingly decreed.

(Signed)

L. HOOK.
WALTER W. LEWIS.

No. 72.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 13, 1841.

MY LORD,

(*Received May 4.*)

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 18th of December last, transmitting copies of the Despatches of the Havana Commissioners containing their reports on the Slave Trade carried on at Havana during the months of August, September, and October of last year.

The only vessel mentioned in these lists of which we have obtained any information, is one described as having been cleared under the title of the Portuguese schooner "*Salazar*," which we have every reason to believe was really the American schooner "*Salazar*," of whose conversion into the Portuguese schooner "*Sao Paolo de Loando*" we have given a full account when reporting her condemnation in our Despatch of the 5th instant.

We have, &c.

(Signed)

WALTER W. LEWIS.
L. HOOK.

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

No. 73.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 13, 1841.

MY LORD,

(*Received May 4.*)

WE have been honoured with the receipt of your Lordship's Despatch of the 19th of December last, transmitting copies of a correspondence which had passed between your Lordship and Her Majesty's Envoy at Madrid, respecting the condemned slave vessels "*Olimpa*" and "*Josephina*" having cleared out at the Custom-house of Havana fully equipped for the Slave Trade.

It has afforded us pleasure to learn from this correspondence that the Spanish Government will cause inquiry to be made into the circumstances stated in our Despatch respecting these vessels, and that a promise has been made to punish those persons who may have been guilty of permitting the vessels in question to sail with slave equipments on board.

The promised inquiry will, we hope, be as strictly conducted by the Captain-General of Cuba as it appears to have been freely promised by the Spanish Minister; and also that the Minister's order to the Captain-General to increase the vigilance at present exercised with regard to the exact observance of the prohibitions respecting the Slave Trade may be faithfully obeyed; for hitherto

we have constantly noticed, that the observance of the law on this subject by the Havana Custom-house has been, if any thing, little more than nominal.

We have, &c.

(Signed) WALTER W. LEWIS.
L. HOOK.

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

No. 74.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 2, 1841.

MY LORD,

(Received May 29.)

WE have the honour herewith to transmit to your Lordship our Report of the case of the Spanish schooner "*Urraca*," Laureano Lopez Master, condemned in the British and Spanish Mixed Court of this colony on the 23rd ultimo, for having been when detained illegally equipped.

The "*Urraca*" was a vessel lately built at Cadiz by the said Lopez, at a cost of 2,500 dollars, as appeared by the builder's certificate. She received a sailing license or provisional passport from the Governor of the province of Cadiz, which authorized the "*Urraca*" to proceed thence to the port of Trinidad de Cuba and any other place for the term of one year. On the same day that the license or passport bears date, this vessel cleared out at Cadiz with a crew of 26 men, though she was only of the burden of 45 Spanish, or 64 English tons; and having on board 74 planks, 38 pieces of scantling, and 8 beams, together forming a complete slave-deck; 71 bags of rice, and 41 casks for water, described as equal to holding 56 pipes, which were "*to be filled for ballast.*"

Plainly as these circumstances indicated the intention of the owner of the "*Urraca*" to engage her in the Slave Trade, that vessel was without difficulty cleared out at Cadiz, the form of taking security for her illegal equipment not even having been observed.

When the "*Urraca*" left Cadiz she came direct to Seabar in the river Sherbro, for a cargo of slaves, as the master and owner very readily admitted at his examination; and at which place she was captured by the boats of Her Majesty's brig "*Saracen*" on the 19th of January last. This prize, like all those lately taken by the same cruizer, was a month reaching this port after her detention.

Laureano Lopez appears in the Havana lists as having commanded the Spanish schooner "*Manuelita*" on her arrival at Havana in January, 1835, from the coast of Africa.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

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

Enclosure in No. 74.

Report of the case of the Spanish schooner "Urraca," Laureano Lopez, Master.

Sierra Leone, March 2, 1841.

THE papers of the "*Urraca*" were found to be as follows:—

1. A provisional passport issued by the Governor of Cadiz, in the absence of any royal passport for this vessel, dated 18th December, 1840, with the destination of Trinidad de Cuba, and any other place during the space of one year. The usual prohibition against engaging in the Slave Trade is wanting in this document.

2. Muster-roll, showing that she had 3 officers, 22 men, and a cabin boy on board, on leaving Cadiz for Trinidad de Cuba.

3. Bill of health.

4. Clearance from Cadiz, dated 18th December, 1840, and addressed to the Custom-house of Trinidad de Cuba. The following articles are entered in this document, in addition to the usual supplies for the officers and ship's company:—74 planks, 38 pieces of scantling, and 8 beams (forming a complete slave-deck), 71 bags of rice, and 41 water-casks, capable of containing 56 pipes, to serve the vessel as ballast during the voyage.

5. Fort-pass.

6. Notarial copy of the several papers connected with the title of Laureano Lopez to this vessel, including the builder's receipt for 2500 dollars, and his certificate of her admeasurement, being 45 Spanish tons.

7. Log-book for the voyage in which the vessel was detained, showing that she sailed from Cadiz on the 23rd of December last, sighted the Canaries on the 31st, and made the neighbourhood of the Sherbro on the 17th January, 1841, when the log ends.

On the 15th February the "*Urraca*" anchored in this harbour. This circumstance, together with those attending the seizure of this vessel, were immediately reported in the usual manner by the Marshal to the Court; and on the following morning proceedings in prosecution of the "*Urraca*" were commenced. The vessel's papers and captor's declaration were lodged in Court, the monition issued, and the witnesses produced by the seizor were ordered for examination by the Registrar.

The declaration of the captor was as follows:—"I, Henry Worsley Hill, Lieutenant and Commander of Her Britannic Majesty's brig '*Saracen*,' hereby declare, that on this 19th day of January, 1841, being off Seabar, river Sherbro, by means of my boats I detained the schooner named the '*Urraca*,' sailing under Spanish colours, commanded by D. Laureano Lopez, who declared her to be bound from Cadiz to the coast of Africa, with a crew consisting of 26 men and boys, no supercargo, and no passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board no slaves, but fully equipped for the Slave Trade."

In the affidavit of seizure the captor explained, that the delay which had occurred in sending this vessel hither for adjudication arose from his only having one executive officer on board of the "*Saracen*," and that he could not be detached for this service. The prize, therefore, only came up when it was necessary for Her Majesty's ship to visit this port.

On the 17th ultimo the Registrar examined the master of this vessel on the standing and special interrogatories, when he deposed as hereunder:—"He was born in Feriol, in Spain, and lives there with his wife and family. Has never served any other state but Spain. He appointed himself to the command, being the owner of the vessel, and having built her in Cadiz in November last. He was present at the time of capture. Does not know for what reason the vessel was seized. Sailed under Spanish colours, and had no others. The vessel has never had any other name than '*Urraca*.' She is 45 tons burthen, and had 25 officers and mariners exclusive of witness, all Spaniards, hired and shipped at Cadiz in December by witness. He is sole owner of both vessel and cargo. None of the officers and mariners had any interest in either. Was master as well. There were no passengers. The last clearing port was Cadiz; the voyage commenced there and was to have ended at Cuba; from Cadiz the vessel proceeded to Sherbro, where she anchored, and was captured the same day. The capturing vessel was seen twelve days after her boat had seized witness's vessel. Capture took place in the river Sherbro, at 8 o'clock p.m., on the 19th January. The vessel was at anchor, and no attempt made to escape. The vessel cleared out at Cadiz for Cuba. The reason she was so much out of her course witness states to have been, that he came to the coast to endeavour to get a cargo of slaves. There was no gun. There were 18 muskets, a dozen cutlasses, 2 pairs of pistols, and about 400 cartridges, for defence of the vessel against pirates. No resistance was made. There were no instructions for concealing or destroying any of the vessel's papers. He is sole owner of the cargo. There was no bill of sale; he built her himself; does not remember the cost. The vessel, if restored, will belong to him only. There was no private agreement. He is himself the sole owner, lader, and consignee of all on board the vessel. There is no cargo excepting rice, which was intended for feeding slaves; it is his property, and, if restored, will belong to no other person. This is the first voyage of the vessel. She has at present about 72 bags of rice on board. No slaves were taken on board during the present voyage. After capture the vessel was carried to Sierra Leone. The papers delivered up are all true and fair. No papers were destroyed, concealed, or made away with. There are no papers in any country relating to vessel and cargo. Neither the vessel nor freight is insured. The vessel was under witness's sole direction. Bulk was not broken. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit them, for the purpose of securing a cargo of slaves. There are the cabin, steerage, and fore-castle bulkheads below, and no others. There is no spare plank. There is a slave-deck laid fore and aft. There are no shackles, bolts, or handcuffs. There are 50 pipes, capable of holding about 6000 gallons, and these were all filled at the time of capture with fresh water, except two or three: had this quantity of water for the use of a cargo of slaves, and also for ballast. There are 30 mess-tins for the use of a cargo of slaves; there are 2 large iron boilers for the use of the slaves. There was no flour, maize, or Indian corn; there were a few bags of beans for the use of the crew, and about 72 bags of rice for the use of the slaves."

Manuel de Blas y Cordero, boatswain of the "*Urraca*," was the second witness examined, and by his evidence in every way confirmed the statements of the master, except only as regarded the use to which the schooner's illegal equipment was to have been applied, and of that he declared his complete ignorance.

Publication passed in the cause on the 17th, and on the 20th ultimo a petition for a day of trial having come in, it was backed for the 23rd ultimo, the day on which the monition in the case was returnable.

On the appointed day the Court accordingly assembled, and briefly pronounced the confiscation of this vessel.

(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.

No. 75.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 10, 1841.

MY LORD,

(Received June 16.)

WE have been honoured with the receipt of your Lordship's Despatch of the 6th of February last, conveying, for our information, copies of a corre.

spondence which has passed between your Lordship and Her Majesty's Minister at Madrid respecting the Spanish brigantine "*Diana*," reported in our Despatch of the 23rd of September, 1840, as having been cleared out at Cadiz fully equipped for the Slave Trade.

We have, &c.
(Signed) WALTER W. LEWIS.
L. HOOK.

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

No. 76.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 10, 1841.

(Received June 16.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 27th of February last, respecting the clearance of the Spanish schooner "*Sirena*," by the Havana functionaries, when equipped for the Slave Trade.

We beg leave to tender our thanks to your Lordship for copies of the instruction addressed by your Lordship on this subject to Her Majesty's Envoy at Madrid, and of his Excellency's representation made to the Spanish Government in pursuance of that instruction.

We have, &c.
(Signed) WALTER W. LEWIS.
L. HOOK.

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

No. 77.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 12, 1841.

(Received June 16.)

MY LORD,

ENCLOSED we have the honour to submit to your Lordship our Report of the case of the brig "*Republicano*," Felix Marengo, master, a vessel now a second time confiscated at this place for acts of slave-trading. It is, however, a satisfaction to know that from the second prosecution having been conducted under the Spanish Treaty of 1835, this slave-vessel will be finally cut up and destroyed, and no longer available as a vehicle of contraband trade.

For the early history and first condemnation of the "*Republicano*," we beg to refer your Lordship to our Despatch, marked "Brazil," of the 29th of June, 1840. At the Mixed Commission sale an American citizen, and an acknowledged slave-dealer, Nathaniel Hoyt, bought the "*Republicano*," and soon after sold her to the present master at a large profit. From this port the vessel cleared out for Cadiz, as reported in our Despatch of the 31st of August, 1840; but, on the pretence of requiring repairs, went direct to the Cape Verds, and after some delay at those islands, steered again to the southward for the Gallinas, abandoning the original track of the voyage.

Near the Gallinas, on the 22nd of February, the boats of Her Majesty's brig "*Saracen*" visited, and, after some trifling resistance (which is detailed hereunder as mentioned in the declaration), seized the vessel, and on the following day rejoined the man-of-war. In explanation of this circumstance, Lieutenant Hill declares that "the officer reported to him that the said brig '*Republicano*' fired a gun shotted at his boat on her approach to the brig, but made no further resistance on being taken possession of; at which time a pair of pistols were found loaded in one of the bunks (sleeping places), and were immediately discharged." But this did not serve to arrest the treacherous intentions of the master, for at night the pistols were again discovered to be charged; where-

upon the captor, as a precaution, ordered the crew of the detained vessel to be handcuffed.

Your Lordship will observe in our report that a Spanish Vice-Consul, João da Silva Pereira, is now established at the Cape Verds, and, as in this instance, seems to have supplied the place of the Portuguese functionaries, who have hitherto derived so rich a harvest from the sale of fictitious papers. This is the first occasion of Senhor Pereira's proceedings coming to our knowledge, from the fact of that officer having granted the "*Republicano*" her muster-roll, the only Spanish document found on board; and having attested the bill of health. We cannot but anticipate that this appointment of a Spanish Consul to the very neighbourhood where slave adventures are extensively conducted will greatly facilitate operations of that kind.

The Portuguese authorities at the island of Sal appear to have offered no objection whatever to the "*Republicano*" altering her destination from the port of Cadiz to that of the slave-mart of the Gallinas, notwithstanding the absence of any sufficient or lawful reason for the same, and when they must, or ought to have known, from the equipment of the vessel and the absence of all cargo, that she was destined for the Slave Trade.

The Court, when passing sentence upon the "*Republicano*," on the 6th instant, felt bound to declare its disbelief of the charges of robbery adduced by the master against the prize-crew. The affidavits of the prize-officer, two seamen, the marshal's assistant, and of the cook of the vessel, agreed exactly in rebutting the statements of the master and his boatswain, which, as shown in the report, appeared to have arisen from purely vindictive motives.

We have, &c.

(Signed)

WALTER W. LEWIS.
L. HOOK.

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

Enclosure in No. 77.

Report of the case of the brig "Republicano," Felix Marengo, Master.

Sierra Leone, April 12, 1841.

THIS slave-vessel, when under Brazilian colours, but bearing the same name, was tried and condemned in the British and Brazilian Court on the 5th of June, 1840. At the Mixed Commission Sale, held on the 19th of June for the disposal of the "*Republicano*," Nathaniel Hoyt, the American master and owner of the schooner "*Octavia*," (a vessel also confiscated here for slave-trading on the 5th of the same month,) purchased the "*Republicano*," and afterwards made her over on the 25th of July following to Felix Marengo, the present master and late first-mate of the Portuguese schooner "*Olimpa*," reported in May, 1840.

The ship's papers found when seized were five in number, exclusive of a Portuguese muster-roll, bill of health, and four receipts for port-dues received during the vessel's various visits to one or other of the Cape Verd Islands, between which the master carried passengers, &c., for a period of three months.

The above-mentioned five papers were all written in English, and consisted of the certificate of condemnation and bill of sale granted with the sanction of the British and Brazilian Court, a second bill of sale from Hoyt to Marengo, and the clearance and muster-roll obtained from the collector of this port on her departure hence for Cadiz. Hoyt's purchase cost him only 160*l.*, and from Marengo he received 433*l.* 6*s.* 8*d.*, a profit sufficiently large, coming as it did from the hands of a slave-dealer, to invest the vessel with the strongest suspicions of again being about to be engaged in the Slave Trade.

The "*Republicano*," however, proceeded to the Cape Verds to undergo, as it is alleged, certain repairs. At Porto Praya, in October, 1840, Marengo obtained the additional muster-roll and bill of health before alluded to; the first granted, and both attested, by the Spanish Vice-Consul, João da Silva Pereira. The port of Cadiz still appeared as the vessel's destination.

The log-book, which commences on the 10th of February, showed that in that month the "*Republicano*" left the Cape Verds for the coast of Africa, having cleared out from the Island of Sal for the Gallinas. The voyage to Cadiz was thus abandoned. A Spanish passenger, Don Antonio Ricio, was provided with a personal passport, dated at Santa Cruz on the 24th of December, and stating its holder to be then proceeding to Havana, whither the "*Republicano*" would no doubt have gone on obtaining her slaves at Gallinas.

Off Seabar, River Sherbro, on the 22nd of February, 1840, the boats of Her Majesty's brigantine "*Saracen*," Lieutenant-Commander Hill, boarded the "*Republicano*," and on the discovery of an almost complete slave equipment, she was detained and joined the man-of-war on the following day. A month elapsed before the arrival of the prize in this harbour, owing, as Lieutenant Hill explained, to his still wanting executive officers in his ship. The Marshal made the usual report, noticing in it the fact of 36 Africans having been brought hither as passengers from the Gallinas, who had claimed the protection of the captor, and described themselves as being the slaves of the notorious "*François*."

On the 24th of March following the prosecution commenced by the filing of the ship's papers and captor's declaration, the issue of the monition, and of the order for the examination of the witnesses.

The declaration set forth the date and place of capture as above-mentioned; and Gallinas, from the Island of Sal, is stated to be the destination of the vessel, upon the authority of the master. The captor's grounds for seizure rested upon the fact of the "*Republicano*" being "equipped for the Slave Trade."

The Registrar took the depositions of the master and boatswain on the day following. The former witness then deposed that "he was born at Malaga, and has lived for the last seven or eight years at Havana. Never served any state but Spain; appointed himself to the command, being owner; received possession at Sierra Leone, July 16, 1840, from the former owner, Nathaniel Hoyt, an American citizen; first saw the vessel at Sierra Leone about nine months since; does not know where she was built; was present at the time of capture; does not know for what reason the vessel was seized. Sailed under Spanish colours, and had no others. The vessel has never had any other name than '*Republicano*' to witness's knowledge. She is 102 tons burthen, and had 13 officers and mariners exclusive of witness, except one, a Portuguese, all shipped and hired by witness in Sierra Leone in July last. He is sole owner; none of the officers or mariners had any interest in the vessel or any thing on board of her. There was one passenger at the time of capture, a lad, whose name he does not remember, who embarked at the Island of Sal for a passage to the Gallinas; the lad was a native of the Canaries. Does not know what business the said lad might have had at the Gallinas; he had no interest in the vessel or her lading, nor had any authority on board. The voyage began at Sierra Leone, and was to have ended at Havana: the last clearing port was at the Island of Sal. From Sierra Leone the vessel proceeded to St. Jago de Praya, Cape Verds, for the purpose of repairing the vessel; remained there about one month, when, having left Porto Praya with the intention of proceeding to Cadiz, he was forced into Bona Vista with the loss of his bowsprit; having repaired damage, and remained 25 or 30 days there, he proceeded thence to the Island of Sal with a freight of passengers, about 33 natives, whom he landed there, and having obtained a small freight of passengers, fruit, &c., for St. Antonio, he proceeded to that island, returning thence to the Island of Sal, where he staid about ten weeks, and then set sail for the coast of Africa, with a view to obtain a cargo of slaves. The capturing vessel was first seen the day after her boats had seized the '*Republicano*.' Capture took place off the bar of the Sherbro, at 9 A.M., about 33 or 34 days ago; it was calm, and there was no chase. The reason he did not go to Cadiz, was the mate persuaded him that he should be able to obtain a cargo of slaves for him on the coast. He resided at Malaga before he lived at Havana. There was a bill of sale, which is amongst the papers delivered up to the commander of the capturing vessel; the price, 2,000 dollars, was paid in hard cash; the sale was a true one. There is no cargo on board the vessel. Knows nothing of the lading of the vessel on her last voyage. No slave was taken on board during the present voyage. The vessel's papers were all true and fair; no papers were destroyed, concealed, or made away with. There was no charter-party. The vessel is not insured; she was under witness's sole management. Nothing was taken out of the vessel at the time of capture. Since the vessel's arrival she has been stripped of sails, ropes, blocks, and some rice, by the prize-officer and crew; the rice was sent on shore, and the other articles taken on board a small English schooner. (This vessel witness describes to be one recently arrived from the Cape Verds with horses, turkeys, &c.) He and the other people have not been well treated, that they did not get enough to eat, and what they got was what the prize-crew left from their meals. The hatches are fitted with open gratings of wood; witness bought the vessel in that state. The hatchways are bored, and there are iron bars to fit the same for securing slaves. There are the divisions of the cabin and fore-castle below, and on deck three single sleeping berths. There are no spare planks. There is a slave-deck laid fore and aft. There are no shackles, bolts, or handcuffs. There are 100 pipes for holding water, all filled at the time of capture, for the use of a cargo of slaves. There are 24 mess-kits for the use of the slaves. There were only two or three small boilers for the use of the crew. There were 60 quintals of rice for the use of the slaves, and two barrels of flour for the use of the crew."

Antonio Beixo, the Boatswain, confirmed to the extent of his admissions the foregoing evidence, more particularly as to the articles of unlawful equipment. With regard to the charge of robbery, brought against the prize-crew by the master after the arrival of the vessel in this harbour, this witness confirms it in nearly similar words, by saying that "since the arrival of the vessel in this harbour some rice was taken on shore, and a sail on board a small English schooner lying in the harbour. This was done by the prize-officer and crew of the vessel on the night of the day of the arrival of the '*Republicano*' in this harbour."

Publication passed on the 25th ultimo.

In refutation of the charge of disposing of the cargo and stores of the vessel, the captor's proctor adduced very sufficient contrary evidence in the affidavits of the prize-master, two seamen, of the marshal's assistant, and of the cook of the vessel. All of these strictly accorded in substance, and satisfied the court that the accusation was not only groundless, but had its origin in the spiteful motives of the master, who had himself been detected in endeavouring to secrete a quadrant and a chart. The first affidavit (a joint one of the prize-master and two of the crew) declares that "When the marshal's assistant came on board the said brig for the purpose of taking charge from these deponents, in going over the inventory of the vessel's stores a quadrant was found to be missing, which these deponents had seen only a day or two before; and that upon the master's trunk being searched the said quadrant was found in it, together with some charts, and in his bedding was also found a roll of canvass; the whole of which articles were delivered up to the marshal's assistant. That immediately the said articles were taken from the master, he exclaimed he would report the prize-crew had robbed the vessel." The rice is stated to have been "taken on shore by the slaves who came up as passengers in the vessel, being their allowance for that day;" but as to the abstraction of any other articles from the prize, each affidavit records a distinct denial of such a fact.

The monition having become due, the Court, on a petition of the captor's proctor, presented on the 30th ultimo, proceeded to the adjudication of the case on the 6th instant. The illegal equipment of the "*Republicano*" for the Slave Trade having been proved beyond doubt, the Court contented itself with remarking that the charge of robbery was unfounded, and arose from the ill feelings of the master; and then at once pronounced a decree of condemnation upon the vessel and cargo.

(Signed)

WALTER W. LEWIS.
L. HOOK.

No. 78.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 14, 1841.**(Received July 19.)*

MY LORD,

WE have the honour of reporting to your Lordship that Her Majesty's sloop "Wolverene," and Her Majesty's brigantine "Lynx," detained on the 31st of March last, off Popoe, and after a chase of 10 hours, the schooner "*Liberal*," belonging to Havana, sailing under Portuguese colours and papers, on the ground of her being a *bonâ fide* Spanish vessel, and as such illegally equipped.

The detained schooner reached this harbour on the 27th ultimo, and on the following day her prosecution on the above-mentioned charge commenced, and terminated on the 5th instant in a sentence of confiscation.

This case, our report of which is herewith enclosed, is very similar to that of the schooner "*Felicidade*" (reported in our Despatch of the 26th of October, 1840), as far as regards her Portuguese papers, and their authentication by Mr. Pro-Consul Pluma at Havana, as the schooner "*Liberal*," instead of being six years old, as her passport would indicate, is a perfectly new vessel.

Mr. Pluma seems disposed to give every assistance to those concerned in slave trafficking at Havana, and to risk his official reputation in so doing on the most unimportant points. In this instance, as your Lordship will perceive, Mr. Pluma has certified that the 26 persons who formed her crew in May, 1839, were each and every of them on board in that capacity for the last voyage, which commenced in January of the present year, the vessel having, between the two voyages mentioned, lain idly at anchor in Havana for more than twelve months.

We have, &c.

(Signed)

WALTER W. LEWIS.
JOHN CARR.

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

Enclosure in No. 78.

*Report of the case of the schooner "Liberal," Pedro Chicota, Master.**Sierra Leone, May 14, 1841.*

THIS vessel at the time of her detention was found sailing under the following official papers:—

1. A Lisbon passport, dated September 2nd, 1836, in which the owner is stated to be Francisco Garcia; the master, Francisco dos Santos; and that she was then bound to Pernambuco and other ports of Brazil, to return thence to Portugal. An endorsement stated that the "*Liberal*" left Oporto on the 22nd of October, 1836, with the above destination. The proceedings of this vessel from the last-mentioned date up to May, 1839, could not be ascertained, but at that time it seems Mr. Pasqual Pluma, as Pro-Consul for Portugal, cleared her out from Havana for Monte Video, to which port she proceeded, and was dispatched thence to Havana in October, 1839. And on the 27th of January, 1841, the schooner again cleared from Havana for Monte Video, but on this latter occasion the official destination was neglected in preference for the African slave port of Popoe.

2. Muster-roll. This proved to be an open and undated list of the crew of the schooner, 26 in number, originally granted for Monte Video, and to which any additions convenient might have been made on the second page of the sheet upon which the list was written. Upon the fourth page of the said document the Portuguese Pro-Consul made endorsements similar to those above described as made by him upon the passport. According to this document every one of the 26 persons mentioned had formed the crew of the schooner for the last two years; more than half of which time the schooner appears to have lain idly at Havana. Of the falsity of this paper we think even Mr. Pluma must have been satisfied at the time of his authenticating it.

3. Bill of health, dated Havana, January 27th, 1841, certified by the Portuguese Consul.

4. Clearance from the Custom-house at Havana on the 26th of January, 1841, for Monte Video, of the following articles shipped by the master, Pedro Chicota:—

450 arrobas of rice,
200 do. maize,
150 do. beans,
26 casks of salt meat,
60 do. biscuits,

with other provisions.

5. An official passport for Tomas Albo, a Catalonian, passenger in the schooner "*Liberal*," for Monte Video, issued on the 27th of January last at Havana.

CLASS A.

The log-book of the schooner shows that she sailed from Havana on the 29th of January last, taking a direct route for the Bight of Benin, in which she was captured on the 31st of March last, five days previous to which the log-book ends in 5° 18' N. latitude.

In addition to the above-described papers there were several rough books of navigation calculations, lists of ship's stores, and other unimportant papers, besides the following:—

A memorandum-book containing numerous addresses of British and Foreign merchants and others in England, France, &c. The object with which the master had provided himself with these addresses does not appear. It will therefore be sufficient to mention that Messrs. Zulueta and Company, Mr. George Redman, Messrs. Aguirre Solarte and Murrieta, and Mr. F. Giro, are the London merchants named in the said list.

An inventory of the stores, sails, &c. of the American schooner "*Wallace*," with the particulars of her admeasurement, showing her to be of the burthen of 174 tons. On comparing this paper with the British admeasurement of the vessel, it was found to agree with it so very closely as to lead to the conviction that the American schooner "*Wallace*" was the same vessel as the Spanish schooner "*Liberal*." This opinion receives confirmation from the fact of the schooner being quite new instead of at least 6 years old, as she is represented to be by her passport, and from some entries in a memorandum-book found on board the "*Liberal*," respecting the embarkation of a crew for the "*Wallace*" in January last, at which time the "*Liberal*" appears to have been fitting out at Havana.

There was also a paper, which proved on its translation to be as follows:—

"*Schooner 'Liberal,' Ajuda, 1st April, 1841.*"

"I, the undersigned, do certify that Pedro Chicota is the captain of the papers, but that I am the true captain of the schooner belonging to Havana.

(Signed) "TOMAS ALBO."

This paper, which had been written and given to the seizer the day following the detention of the schooner, and whilst the writer was a prisoner, the Court declined receiving as evidence on the grounds assigned in the judgment given in the case, and which will appear at the close of this report.

The detained vessel arrived in this harbour on the 27th April ultimo, and was immediately duly reported by the Marshal.

On the following day the prosecution of this vessel was commenced in the British and Spanish Mixed Court, on the grounds of her being entitled *bonâ fide* to a Spanish nationality, in which character she was, when seized, unlawfully equipped. The ship's papers, properly authenticated, were then filed, together with the declaration of the seizer; the usual monition issued, and the witnesses in preparatory ordered for examination.

The declaration of the seizer was as follows:—

"I, William Tucker (*b*), Esq., Captain of Her Britannic Majesty's sloop '*Wolverene*,' hereby declare, that on the 31st day of March, 1841, after a chase of ten hours, I detained in latitude 6° 3' N., longitude 1° 37' E., in company with Her Britannic Majesty's brigantine '*Lynx*,' the Spanish vessel named the '*Liberal*,' sailing under Portuguese colours, and with Portuguese papers, armed with 1 gun (12-pounder) and 2 swivels, commanded by Thomaza Alvo (Tomas Albo), of Barcelona, who passed as passenger (Pedro Chicota, the captain of the flag and papers, appearing as the captain), who declared her to be bound from Havana to Popoe, with a crew consisting of 26 men and 1 passenger, whose names, as declared by them respectively, are inserted in a list at the foot hereof.

"That I detained the said vessel for being fully equipped for, and engaged in, the Slave Trade, in contravention of the Treaty with Spain of the 26th June, 1835."

Then follows a full and detailed account of the several articles composing the said illegal equipment.

"I further declare that the greater part of the crew are Spaniards, although the muster-roll states them to be principally Portuguese.

"That Don Thomaza Alvo (Tomas Albo), on first being taken, stated himself to be a passenger, but shortly afterwards declared (as per paper No. 6) he was a Spaniard, and the proper captain of the vessel, of which he was also part owner. That the man, Pedro Chicota, who appears in the muster-roll as captain, was his clerk, and appeared as captain of the papers and flag, that he (Don Thomaza Alvo) might avoid trouble in the event of being taken."

On the 29th ultimo, Pedro Chicota, the ostensible master of the schooner, was examined on the standing and special interrogatories, and deposed to the following effect:—"He was born at Barcelona, and lives there. Is a Spanish subject, and has never served any other state. Is not married. He was appointed to the command, and possession was given to him, at Havana, in January last, by the consignee of the vessel, whose name he does not remember. The said consignee is a resident of Havana, and a Spanish subject. First saw the vessel there and then. She is American built. He was present at the time of capture. The vessel was seized on suspicion of being engaged in the Slave Trade. Sailed under Portuguese colours, and had also a French flag for a signal. The vessel has never been called by any other name than '*Liberal*,' to witness's knowledge. She is one hundred and seven tons burthen; and had twenty-five officers and mariners, exclusive of witness, part Spaniards, part Portuguese, and part French—all hired and shipped at Havana by witness in January last. Neither he nor any of the officers or mariners had any interest in vessel or cargo. Was master on board. There was one passenger, a Spaniard, named Tomas Alvo, a master mariner by profession, taken on board in the Havana for a passage to Little Popoe: does not know what his business might be at that place. The said passenger was supercargo of the vessel, and was to have provided a cargo for her at Popoe, beyond which he had no property or concern in vessel or cargo, but he exercised authority on board by direction of the consignee at Havana. The present voyage commenced at Havana, and was to have ended at Buenos Ayres. Havana was the last clearing port; from thence the vessel was proceeding to Popoe when she was captured: did not touch or anchor at any port or place during the present voyage. The capturing vessel was first seen on the 31st of March, off Little Popoe, in sight of land. Capture took place the same day, after a chase of two hours and a half: witness was steering for Little Popoe; did not alter the vessel's course, but hoisted additional sail for the purpose of escaping if possible, as he did not know but the capturing vessel might be a pirate; the vessel's course was always in accordance with her papers. There is one nine-pounder mounted on a pivot, twenty

cutlasses, as many muskets, and three pair of pistols, also some cartridges and powder, for the defence of the vessel against pirates. No resistance was made. There were no instructions for resisting capture, or for concealing or destroying any of the vessel's papers. The owner of the vessel is Francisco Garcia. Knows it from the vessel's papers. Believes him to be a Portuguese by birth, and a subject of Portugal. Does not know where he lives, or if he be married. He knows nothing of any bill of sale, or of the price of the vessel. Believes, if the vessel be restored, she will belong to the said Francisco Garcia. Knows of no private agreement. The cargo was put on board by the consignee at Havana, and belongs to him: it was not to have been landed, being for consumption on board, and if restored it will belong to the said consignee, whose name, as witness had already stated, he does not remember. He knows nothing of the former voyage; the cargo at present consists merely of provisions. No slaves were taken on board during the voyage. After capture the vessel was taken into Popoe, thence to Prince's Island, and afterwards to Sierra Leone. The papers delivered up were and are all entirely true and fair. No papers were concealed, destroyed, or made away with. He knows of the existence of no other papers relating to vessel or cargo. There was no charter party. He does not know whether the vessel or her lading be insured. The vessel was under the direction of the supercargo in regard to her trade. The hatches are fitted with open gratings of wood; does not know for what purpose. The coamings of the hatchways are bored, and there are bars to fit them. The vessel is so fitted for the purpose of letting air into the hold. There are the divisions of the cabin and fore-castle below, and two single moveable sleeping-berths on deck. There are no spare planks. There is a slave-deck laid fore and aft. There are four or five shackles for the crew. There are about thirty-eight casks, large and small, capable of containing about eighty pipes of water. There were about sixty-eight pipes of fresh-water on board at the time of capture: this large quantity was intended for the use of a cargo of slaves. There were thirty-six mess-tins, for the use of the crew and of the slaves. There was one large iron boiler for the use of the slaves."

The second witness was Pedro Juan Rondana, the cook of the said vessel, who from his situation on board was, as might have been anticipated by the seizer, unable to give any evidence on the important points of the ownership and course of trade of the vessel, or any other point which could support the charge of Spanish nationality. The illegal equipment of the schooner the cook admitted, and that it was for carrying a cargo of slaves.

Publication was granted on the 30th ultimo, and on the 5th instant, the monition being returnable on that day, the Court assembled for the adjudication of this vessel.

The Court, in giving judgment herein, observed that the schooner "*Liberal*" appeared by her ship's papers to be a vessel entitled to carry the flag of Portugal, under which she was found sailing at the time of her seizure, and that she was before the Court under prosecution as a vessel having a *bonâ fide* Spanish nationality, in which character she had been stated to have been illegally equipped.

The evidence in support of this alleged Spanish character was to be found, first, in the course of Spanish trade, which the endorsements upon her passport and muster-roll establish for the last past two years; secondly, in the Spanish residence and nationality of the consignee of the vessel, who had been declared by the master to be the actual owner of the slave provisions embarked in this vessel, for consumption on board; thirdly, in the vessel being commanded by a native Spaniard, and having a Spanish master-mariner on board as supercargo, which latter person was to furnish at the Slave-Trade port of Popoe the return cargo for the vessel; and, lastly, from the fact of the said Spanish consignee at Havana having displayed all the powers of an owner in the appointment of the Spanish supercargo, who was empowered by him, as the master has explained, to exercise authority on board, under which it would seem he was carrying the schooner direct from Havana to Popoe, instead of to her official destination of Monte Video.

It was a singular feature, the Court observed, in the evidence of the master, and one which created well-founded suspicions, as well as to the real national character of the schooner as of the adventure in which she was engaged, that the master knows so little of the alleged Havana consignee of the vessel, from whom he states he received command and possession of the schooner, that he had been unable to furnish his name.

Respecting the complete equipment of this vessel for carrying a cargo of slaves, both the master and cook had made the fullest acknowledgments; and as the evidence recapitulated by the Court had established for the "*Liberal*" a clear *bonâ fide* Spanish national character, she was accordingly declared to be a good and lawful prize.

The Court added that the paper among the documents said to have been found on board this vessel, at the time of seizure, appeared by the translation to be a certificate from Thomas Albo, the before-mentioned supercargo of the vessel, to the effect that he was the actual master of the "*Liberal*," and that Pedro Chicota was only captain of the papers. This certificate bears date on the 1st April last, the day following the detention of the vessel, at which time, therefore, Albo was a prisoner. Admissions made under such circumstances, the Court remarked, had always been looked upon with doubt, the parties making them not being at the time free agents, and the Court had in consequence declined receiving them as evidence, as it did in this case, and as it would continue to do. Albo, it appeared, explained to Captain Tucker at the time of detention, that he had caused Chicota to be put forward as master of the "*Liberal*," to avoid trouble to himself, in the event of being taken. How completely Captain Tucker had served, doubtless unintentionally, the objects of this Albo, the Court said, would be evident when it was remembered that the deception in question was practised by Albo to secure his immediate arrival at Popoe, where it is too much to be feared he is now at liberty to practise his nefarious occupation.

(Signed)

WALTER W. LEWIS.
JOHN CARR.

No. 79.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 24, 1841.**(Received July 19.)*

MY LORD,

WE have the honour to inform your Lordship that Her Majesty's sloop "Fantôme," Commander Butterfield, seized on the 1st instant, in latitude 2° 1' South, and longitude 8° 40' West, the brigantine "Josephina," Manoel Antonio dos Santos, master, bound from Whydah to Havana, with a cargo of 291 male slaves on board.

The detained vessel arrived in this port on the 12th instant, and on the following day her prosecution commenced, as a vessel entitled to a Spanish nationality, before the British and Spanish Court.

The slaves of this vessel, who arrived here in excellent health, and among whom but one casualty had occurred a few hours after capture, were all landed at Freetown on the same day.

On the 20th instant, the monition having expired, the Court assembled and pronounced the condemnation of the "Josephina," and the emancipation of the 290 surviving negroes of those seized.

Our Report of this case we herewith enclose.

José Maria Estevan, the first-mate of this vessel, who is said to have shipped the slaves in her, was formerly master of the "Luisita," condemned in October, 1835.

From the carpenter's testimony in this case it would appear that the slaves of this vessel were embarked in the very short space of two hours; whilst the log-book shows that she lay only four hours off the port of Whydah, and did not anchor there.

José da Cunha, the owner, and Manoel Antonio dos Santos, the master of this vessel, according to her passport, dated at Lisbon the 2nd September, 1836, appear in similar characters in the passports of no less than three other cases, all of which bear the same date as that of the "Josephina." The vessels referred to are the "Emprendedor," condemned in July, 1839; the "Magdalena," in December, 1839; and the "Recurso," in January, 1841.

We think these instances, when connected with the statements in our despatches of this year's series, are sufficient to justify the opinion of the generality, if not the whole, of the Portuguese papers for Slave vessels being false and fraudulent.

In conclusion, we beg leave to bring your Lordship's attention to the fact of only male slaves having been embarked in this vessel.

We have, &c.

(Signed)

WALTER W. LEWIS.
JOHN CARR.

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

&c.

&c.

&c.

Enclosure in No. 79.

Report of the Case of the Brigantine "Josephina," Manoel Antonio dos Santos Pereira, Master.

Sierra Leone, May 24, 1841.

THIS vessel sailed under a Lisbon passport, dated the 2nd September, 1836, in which José da Cunha is represented to be the owner, and the above-mentioned Dos Santos the master; that she was bound to Pernambuco and other places in Brazil, and left Lisbon with that destination on the 22nd October, 1836. For upwards of three years the movements of the "Josephina" are not recorded; but on the 30th December, 1839, we find she was at Pará, whence she cleared out for the Cape Verds and African ports, and ultimately proceeded to Havana after having visited this coast. On the 3rd November, 1840, Mr. Pro-Consul Pluma backed this passport for a voyage from Havana to Monte Video, which was apparently performed; and on the 16th February, 1841, the brigantine was again cleared out by that officer for a similar voyage. On the latter occasion, however, the real destination was Whydah, to which place she went direct from Havana. From all the endorsements on this passport, it would appear Dos Santos had been in command of the vessel from the time that document was issued.

The muster-roll of the "Josephina" showed she carried a crew of 39 persons, and had one passenger on board on leaving Havana, named José Virgili. This man, we suspect, was the supercargo, as he was on board again as a passenger when the vessel was seized.

The bill of health was found to be in the usual form.

The clearance showed that the master of this vessel had on the 12th February last shipped five kegs of dollars, containing 1000 each, and 27 casks of rice.

The log-book of the vessel commenced on the 18th February last, the day the brigantine left Havana, and ended on the 30th April last, in 4° 48' South, the place where the chase ending in her seizure commenced. The course of the "*Josephina*" on leaving Havana was direct for Whydah, at which place she arrived on the 11th April last. The brigantine did not anchor at Whydah, and remained there only four hours, if the log-book be true.

On the 12th May instant the "*Josephina*" anchored in this port, and was immediately visited by the marshal and surgeon to the Court, who made their respective reports as to the facts of the seizure, and the health and condition of the slaves.

It was gratifying to learn from the surgeon's report that the negroes of this vessel had arrived in excellent health, and to follow up his recommendation of their landing immediately, the vessel had been regularly brought before the Court.

The following morning, the 13th instant, the papers of the "*Josephina*," duly authenticated, were filed in the Court, together with the declaration of the captor; the usual monition was issued; the witnesses were ordered for examination; and the transference of the slaves from the vessel to the Liberated African Yard in Freetown was effected.

The seizor's declaration was as follows:—"I, Edward H. Butterfield, commander of Her Britannic Majesty's brig '*Fantôme*,' hereby declare that on the 1st day of May, 1841, being in latitude 2° 1' South, and longitude 8° 40' West, I detained the Spanish brigantine '*Josephina*,' sailing under Portuguese colours, commanded by Don Manoel Antonio Santos Pereira, who declared her to be bound from Whydah to the Havana, with a crew consisting of 38 persons, and 17 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 290 slaves, said to have been taken on board at Whydah on the 12th of April, 1841."

On the 14th instant the Registrar examined the witnesses, when the master, Manoel Antonio dos Santos Pereira, deposed, That "he was born in Lisbon. Has lived for the last fourteen years at Havana. Was a Portuguese subject about nine years ago, but not since. He sailed under the Portuguese flag. Is not married. He was appointed to the command, and possession was given to him at Havana in March last, by Don Nicola Bialé, the owner of the vessel, a resident of that place, and a Portuguese subject; first saw the vessel there and then. Does not know where she was built. He was present when the vessel was captured. She was seized for having slaves on board. Sailed under Portuguese colours; had also a Spanish ensign for a signal. The vessel has never been called by any other name than '*Josephina*,' to witness's knowledge. She is 160 tons burthen, and had 40 officers and mariners exclusive of witness, all Portuguese; all hired and shipped by witness in Havana in March last. Neither he nor any of the officers or mariners had interest in vessel or cargo. Was master on board. There were 17 passengers at the time of capture, Portuguese seamen, part of the crew of a vessel captured on the coast, the name of which he does not recollect. They were taken on board at Adjudah (Whydah) for a passage to Havana. None of them had any interest in the vessel or cargo, or authority on board. The last clearing-port was Havana, and the present voyage commenced and was to have ended there. From thence the vessel proceeded to Adjudah, where her slaves were shipped immediately on her arrival, and without coming to an anchor; the first place she anchored in after she left Havana being Sierra Leone. The capturing vessel was first seen in latitude 4° S., longitude 4° 50' W., on the 29th of April. Capture took place on the 1st of May in latitude 2° S., longitude 8° 40' W. The vessel was steering for Havana when first pursued, and did not hoist any additional sail, or alter her course when chased. The vessel's course was not in accordance with her papers, private sealed instructions having been given by the owner, which when opened at sea were found to contain orders to proceed to the coast of Africa. There is no gun mounted; there are 20 cutlasses, 22 muskets, 4 pistols, and 2 or 3 barrels of powder, and some cartridges for defence of the vessel against pirates. Had no instructions for resisting or avoiding capture, or for concealing or destroying any papers. Don Nicola Bialé is the owner of the vessel. Knows it from having received charge of the vessel from that person. The said Bialé is a native of Portugal, and lives at Havana with his wife, a native of Portugal also. Does not know how long the said Bialé has resided at Havana. Believes he formerly lived at Oporto. He knows nothing of any bill of sale, or respecting the price of the vessel; believes if the vessel be restored, she will belong to Bialé; knows of no private agreement. The owner of the vessel is also owner of the cargo. There is no consignee. The slaves were put on board by the first mate, José Maria Estevan, who went ashore for the purpose. The slaves were to have been landed on the island of Cuba for account and risk of the said Nicola Bialé, and if restored will belong to no other person. Believes the slaves to be Bialé's property, from knowing no other person interested in them. Supposes there must have been some person on shore to collect the slaves, and have them in readiness for the vessel on her arrival, but does not know who that person is, or anything about him. He knows nothing of the last voyage. There was no cargo shipped at Havana except rice. The present cargo consists of slaves; 291 were shipped altogether, all males; none died before capture; one man died after seizure. After capture the vessel was taken to Sierra Leone. All the papers delivered up were and are entirely true and fair. No papers, excepting the letter of instructions, of which he has spoken, were concealed, destroyed, or made away with. The letter was addressed to the mate Estevan, and was destroyed by him immediately after its being read, and in witness's presence. He knows of the existence of no other papers relating to vessel or cargo. There was no charter-party. He does not know whether the vessel or cargo be insured. The vessel was under the management of the mate Estevan in regard to her trade. No slaves have been disembarked since capture."

Juan Armengol, the carpenter of the detained vessel, was the second witness examined in this case. He could, however, give no further evidence of any importance than that the vessel cleared out at, and was to return to Havana; and that the embarkation of the slaves at Whydah occupied only two hours.

The publication of the foregoing evidence passed on the 15th instant.

On the expiration of the monition, citing all parties interested in the case to appear, the 19th instant was appointed for the day of trial. In pronouncing judgment the Court commented at length upon the Spanish character under which the "*Josephina*" had been prosecuted, and the apparent Portuguese nationality which she derived from the cover of a flag and papers of that nation at the time of seizure. It appeared in evidence that the passport of the vessel bore endorsements which plainly showed that her employment had been in the trade between this coast and Havana since December, 1839, with the

exception of a very short voyage to Monte Video. The master in his examination had also stated that the present owner, Nicola Bialé, was a resident of Havana, where the present voyage began, and was to have ended; admissions sufficiently clear to indicate the vessel's Spanish character and unlawful pursuits. On the last-mentioned point, also, the carpenter's evidence confirmed that of the master.

In the case of the "*Recurso*," lately adjudicated in the British and Spanish Court, it was observed that the same owner and master appeared in her passport as are named in that of the "*Josephina*." The master found on board of the "*Recurso*" at the time of her seizure admitted the ownership of José da Cuuha, as stated in the passport, and explained that he resided at Havana, where he no doubt continues to live. In this instance, therefore, the official as well as the alleged owners are residents of Havana.

Under all these circumstances, should the Portuguese passport even be an authentic document, of which the Court entertained great doubt, still it could only be considered as a mere cover to a Spanish Slave-trade adventure; and the vessel's *bonâ fide* character and course of trade must therefore be held to be essentially Spanish.

The Spanish nationality of the vessel having been decided, the Court accordingly pronounced a sentence of condemnation, and emancipated from slavery the survivors of the 291 negroes seized on board of her, namely, 290.

(Signed) WALTER W. LEWIS.
JOHN CARR.

No. 80.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 22, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report upon the Slave Trade of the Island of Cuba for the year 1840.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 80.

Havana Commissioners to Viscount Palmerston, January 1, 1841.

(See No. 137.)

No. 81.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1841.

I HEREWITH transmit to you for your information copies of Despatches from Her Majesty's Commissioners at the Havana, giving an account of the Slave Trade at that place during the months of February, March, and April last.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 81.

Havana Commissioners to Viscount Palmerston, March 10, April 14, and May 25, 1841.

(See Nos. 149, 154, and 162.)

No. 82.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, June 3, 1841.**(Received July 31.)*

MY LORD,

WE were honoured on the 29th ultimo with the receipt of your Lordship's Despatch of the 7th April last, inclosing copies of 2 Despatches from Her Majesty's Commissioners at Havana, containing reports of the state of the Slave Trade at that port for the months of December, 1840, and January, 1841.

Of the vessels mentioned by the Havana Commissioners we regret to say we can only report the condemnation of one, the schooner "*Liberal*," on the 5th ultimo.

The Havana Commissioners have remarked in their letter of the 22nd of January last, that "the desperate condition to which the Slave Trade had been reduced would appear manifest from the inferior vessels now employed in it." We wish we had it in our power to corroborate this opinion, but unfortunately the description of vessels which have come before us for adjudication up to the present time on charges of being concerned in the Spanish Slave Trade will not authorize us in coming to a similar conclusion, almost all the slavers which we have lately cut up having been as formerly nearly or quite new vessels.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

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

No. 83.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 25, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report on Slave Trade at that place for the month of May last.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 83.

Havana Commissioners to Viscount Palmerston, June 21, 1841.

(See No. 170.)

No. 84.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 11, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report on the Slave Trade at that place for the month of June last.

I am, &c.

(Signed)

ABERDEEN.

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

Enclosure in No. 84.

Havana Commissioners to Viscount Palmerston, July 24, 1841.

(See No. 180.)

No. 85.

*Her Majesty's Commissioners to Mr. Backhouse.**Sierra Leone, June 30, 1841.**(Received September 20.)*

SIR,

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 enclose a Return of all vessels adjudicated in the British and Spanish Mixed Court, from the 1st of January last to this date.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

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

Enclosure in No. 85.

Return of Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, between the 1st January and the 30th June, 1841.

NAME OF VESSEL.	FLAG.	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.	TONNAGE OF THE VESSEL.			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.							Foreign, according to the Papers.	Old Admeasurement.	English.			New Admeasurement.
* Recurso .	Portuguese.	Ramon Trillo	1840. Nov. 23	4° 4' N.	6° 6' E.	Schooner and cargo.	George Lowrey Norcock, Esq. H.B.M. Brigantine "Forester."	1841. Jan. 11	..	..	..	*85	144 ⁸⁰ / ₈₄	69 ⁴⁵ / ₅₀	..	Condemned for being concerned in the illicit traffic in slaves.	Vessel and stores sold at Public Auction, and the proceeds paid into the Military Chest.
* Buà União .	"	Francisco José Olindes.	Dec. 9	Off Seabar River	"	"	Henry Worsley Hill, Esq. H.B.M. Brig "Saracen."	Feb. 1	..	..	..	*99	113 ³⁴ / ₃₄	54 ³⁵ / ₅₀	..	..	..
* San Paulo de Loando.	"	Jozé Maria de Amizga.	— 11	"	"	"	"	"	..	..	..	*110	132 ⁶⁵ / ₈₄	63 ⁵⁵ / ₅₀	..	..	..
Urraca .	Spanish	Laureano Lopez.	1841. Jan. 19	"	"	"	"	Feb. 23	..	..	..	45	132 ⁸⁴ / ₈₄	64 ¹⁵ / ₅₀	..	..	..
Republicano	"	Felix Marengo	Feb. 22	"	"	Brig and cargo.	"	April 6	..	..	..	102	161 ⁴⁸ / ₈₄	100 ¹⁴⁹ / ₅₀	..	..	..
Liberal .	Portuguese.	Pedro Chicota	Mar. 31	6° 3' N.	1° 37' E.	Schooner and cargo.	William Tucker and Henry Broadhead, Esqs., Commanders of H.B.M. ships "Wolverene" and "Lynx."	May 5	..	..	..	107	178 ⁸⁴ / ₈₄	91 ⁵⁰ / ₅₀	..	..	..
Josephina .	"	Manoel Antonio dos Santos Pereira.	May 1	2° 0' S.	8° 40' W.	Brigantine & 291 slaves.	Edward H. Butterfield, Esq. H.B.M. sloop "Pantôme."	— 20	291	1	290	160	214 ⁸⁴ / ₈₄	125 ⁵⁴ / ₅₀	..	..	..

* The tonnage of these vessels is taken from the evidence of the witnesses, no tonnage being stated in any of the ship's papers.

Sierra Leone, 30th June, 1841.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

(Signed)

C. BIDWELL, Registrar.

No. 86.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 27, 1841.*

MY LORD,

(Received September 20.)

WE have the honour to enclose herewith our report of the case of the Spanish schooner "*Amalia*," Domingo Cabrera, master, seized for being equipped for the Slave Trade off Bissão on the 3rd of this month by Her Majesty's sloop "*Wanderer*," Commander the Honourable Joseph Denman.

The detained vessel arrived here on the evening of the 9th instant, and proceedings were commenced against her on the 12th in the British and Spanish Mixed Court of Justice, which terminated in her condemnation this day, the charge of equipment having been satisfactorily proved.

The "*Amalia*" appears to have formerly been the property of the noted Ramon Font of Havana, who is stated to have had her built in America about 3 years since, and to have transferred her in March last to one Caetano Estremera of St. Jago de Cuba, who appeared as supercargo and claimant in the case. Estremera took her to the coast of Africa, and we have no doubt employed her there in conveying slaves from Bissão to the Cape Verdes.

The captor conveys in his declaration to us his own suspicions, on information afforded him by the crew of the captured vessel, that Caetano Nozzolini was her consignee at Bissão, and we regret to learn from the evidence adduced in the case that so infamous a character is at this moment in the command of that settlement.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 86.

Report of the case of the Spanish schooner "Amalia," Domingo Cabrera, Master.

THE papers found on board this vessel were eight in number, three of which were delivered up to the captor at the time of seizure, and the remainder were afterwards discovered in the master's trunk; the former consisted of:—

1. Royal Passport, No. 85, for the schooner "*Amalia*," of 93 tons burthen, Domingo Cabrera master, states that the vessel belongs to Cayetano Estremera, of St. Jago de Cuba; is dated at the "*Palace*" on the 25th of January, 1840, and at St. Jago de Cuba on the 26th of March, 1841. The endorsement states that the master has been warned not to engage in the prohibited traffic in slaves.

2. Muster-roll for the said schooner, commanded as above, bound to the port of Santa Cruz, of Teneriffe, Cape Verdes, and Goree, with a crew consisting of 10 persons (not including the master), and 1 passenger, dated at St. Jago de Cuba, 26th of March, 1841, and endorsed, "Seen at the Spanish Consulate, Villa de Praia, Cape Verdes, for a voyage to Bissão, with the same crew, on the 12th of May, 1841." "Seen at Bissão, bound to Cape Verdes, with the same crew, on the 5th of June, 1841." "Seen at the Spanish Consulate, Villa de Praia, for Bissão, with the same crew, on the 26th of June, 1841."

3. A mutilated log-book: the part which remains states that the vessel sailed from Bissão for Cape Verdes on the 5th June; continues to the 15th; is then blank to the 26th, the date of the vessel's arrival at St. Jago, Cape Verdes, where, it is stated, she anchored and weighed again the next day and went to sea.

The other five papers were:—

4. Manifest of a cargo of rum, coffee, sugar, and tobacco, shipped on board the "*Amalia*," commanded as above, and bound to Canaries, Cape Verdes, and Goree, dated at Cuba, 26th of March, 1841.

5. A certificate that it had been agreed upon between Domingo Cabrera, the master, and Ramon d'Oruna, the mate of the vessel, that the said Ramon d'Oruna, in consequence of having particular business to transact, was at liberty to disembark, placing in his stead a Spanish mate, named José Mijares, and resigning every advantage that might otherwise have accrued to him on the return voyage to Cuba, reserving his wages to the date of his landing at Bissão. This document is dated the 24th of May, and signed by Ramon d'Oruna, in the presence of José Mijares, Ramon Trillo, and João Martinez, who sign as witnesses.

6. A letter, without date, addressed by Domiana Thomazia to Manoel Robolo Barboza, in which the writer speaks of a slave Barboza had brought to assist her; and mentions that she would be happy to receive another.

7. A document, dated at St. Jago de Cuba, on the 1st of May, 1841, signed by José Ayo, who therein certifies that Juan Enriques, seaman on board the Spanish schooner "*Amalia*," under the

command of the said José Ayo, had that day disembarked from her, and had conducted himself satisfactorily.

8. The remaining paper was a letter from Antonio Bentura to Don Rafael Santa Anna Hiso, dated Canaries, July 30th, 1839; the contents are unimportant.

On the 3rd of July the "*Amalia*" was detained by Her Majesty's sloop "Wanderer," the Honourable Joseph Denman, commander; she arrived at Sierra Leone on the evening of the 9th of July, and was reported by the marshal on the following morning.

On the 12th the captor's proctor delivered into the registry, for the purpose of being filed, the captor's declaration and the vessel's papers, authenticated by the affidavit of the prize officer: the usual monition was issued from the British and Spanish Mixed Court of Justice, as also a commission of survey and inspection (the case being one of equipment).

The declaration of the captor was to the following effect:—"I, Joseph Denman, commander of Her Britannic Majesty's sloop 'Wanderer,' hereby declare that, on this 3rd day of July, 1841, being in latitude 11° 49' N., longitude 16° 49' W., I detained the Spanish schooner named the '*Amalia*,' armed with no guns, commanded by Domingo Cabrera, who declared her to be bound from Cape Verde Islands to Bissão, with a crew consisting of 11 men.

"I do further declare that the documents numbered 1, 2, and 3, were the only ones which were delivered to me voluntarily, and that the log was then in its present mutilated condition; and that the remaining papers were discovered in the captain's chest.

"That the cargo was landed at Bissão, in contravention of the custom-house clearance.

"That the supercargo and captain deny that she has any consignee at Bissão; whereas the crew declare that Cayetano Nossolini is the consignee, and that the cargo was landed at his stores.

"I do further declare that the said vessel is built entirely for fast sailing; is fitted for sweeps, and in no respect resembles an ordinary merchant vessel intended for lawful trade; that she has an extraordinary quantity of fire-wood; and that having also on board an extraordinary quantity of water-casks, I have detained her under the existing treaty with Spain."

On the 13th instant the mate and supercargo were produced and examined on the standing and special interrogatories: their evidence was to the following effect:—

The mate, José Mijares, deposed That "the name of the master is Don Domingo Cabrera. Has known him since the 20th of May last. He is a native of the Canaries. Does not know his fixed place of abode, nor whether he be married. He does not know who appointed the master to the command of the vessel. Thinks, however, that the said master took possession of her in Cuba; first saw the vessel at Bissão on the 20th of May. Does not know where she was built. He was present at the capture of the vessel, but does not know under what pretence she was so seized. The vessel sailed under Spanish colours, and had no others on board. The vessel's name is '*Amalia*,' and she has never borne any other to witness's knowledge. The tonnage of the vessel is about 93 tons, and she was navigated by a crew of 12 officers and mariners, exclusive of the master, all Spaniards except one, a native of Curaçoa. Witness thinks that they were shipped at Cuba. Witness, and he thinks others, owned part of the cargo, consisting of Havana cigars. Was mate on board. There were 8 passengers on board, shipped at St. Jago (Cape Verdes) for Bissão; one was an officer of Customs, another a female, with her servant, four coloured people, and a mariner. Witness does not know for what purpose they were going to Bissão. Witness has heard that the voyage began at Cuba, from thence the vessel came to St. Jago, Cape Verdes, which was the last clearing port, and to Bissão, at which two last-mentioned places the tobacco was disposed of. The vessel was then to proceed to Goree and the Canaries for freight; but witness is ignorant where the voyage was to end. The vessel was steering for Bissão, her destination, when capture took place on the 3rd instant. The course was not altered, nor any additional sail made to avoid capture. There are no guns mounted; there are however 7 muskets and 6 cutlasses, but no ammunition. No resistance was made to capture, and there were no instructions to escape detention, nor to destroy or conceal any of the ship's papers. The supercargo, Don Cayetano Estremera, is the owner of the vessel, and is a native of Cadiz. Witness does not know where he resides. Knows nothing of the existence of any bill of sale, the price of the vessel, nor the name of the seller. The owner of the cargo was the supercargo, by whom, witness thinks, it was shipped at Cuba. Does not know the name of the consignee. The cargo if restored will belong to the said supercargo. Does not know the lading of the vessel on her last voyage. The present consisted of aguadiente, cigars, sugar, and coffee. To the best of witness's knowledge and belief, the passport and other ship's papers were true and fair. None of the ship's papers were destroyed, concealed, or made away with. There are no papers, to witness's knowledge, in any other country concerning the vessel or cargo. Does not know whether there was any charter-party signed for the voyage. Does not know whether the ship or goods be insured or not. Bulk was broken at St. Jago, Cape Verdes, and at Bissão. The hatches are not fitted with open gratings. The coamings of the hatchways are not bored for gratings, nor are there any iron bars on board. There are the bulkheads of the cabin and fore-castle. There are no spare planks on board. There is no part of a slave deck laid. There are no shackles, bolts, nor handcuffs. There were 10 pipes, also 3 small casks capable of containing, witness thinks, 120 gallons; 6 of the former were filled with fresh water at the time of capture. The vessel was supplied with no other means of conveying water. There were 2 mess-kits on board for the use of the crew. There were no copper or iron boilers. The cabouse is of a small size, and fitted to receive only three small boilers for cooking the provisions of the crew. There were only half a bag of rice and half a bag of flour on board for the consumption of the crew."

The supercargo, Cayetano Estremera, deposed That "the name of the master is Domingo Cabrera. Has been acquainted with him three months. He is a native of the Canaries, but generally resides in Cuba. Does not know if he be married. Witness being the owner, appointed the master to the command in March last, at St. Jago de Cuba, where he (witness) resides. Has known the vessel since the 10th of March last. She is American built. He was on board at the taking of his vessel, but is ignorant of the reason of seizure. The vessel sailed under the Spanish flag and had no other flag. The vessel has never borne any other name but '*Amalia*.' She is 93 tons burden, and had a crew of 11 officers and mariners, exclusive of witness, all Spaniards, shipped and hired by the master, Domingo Cabrera, at St. Jago de Cuba in March last. Witness owned the vessel and cargo, except some cigars, which were the property of the master and mate. Was supercargo. There were 8 passengers, 2 Portuguese Government-officers, 4 black people, a female and her servant, embarked at St. Jago, Cape

Verds, for Bissão. Witness does not know for what purpose they were going to the latter place. The voyage began at St. Jago de Cuba, where it was to have ended, after the vessel had visited St. Jago, Cape Verds (the last clearing port), Bissão, Goree, and the Canaries. Part of the cargo was disposed of at the Cape Verds and at Bissão. The vessel had just crossed the bar at Bissão when the man-of-war first made her appearance, and capture took place then and there. The course was not altered, but always directed to the places to which the vessel was destined by her ship's papers, nor was additional sail hoisted to escape capture. The vessel carried no guns, but had 7 muskets and 6 cutlasses, and about 3 pounds of powder, for the purpose of resisting the boarding of any native canoes. No resistance was made to capture, nor did he ever issue instructions for the destruction or concealment of any of the ship's papers. Witness was the owner of the vessel, resides at St. Jago de Cuba, and is a Spanish subject. The bill of sale is lodged at St. Jago de Cuba, where witness gave 7,000 dollars for the vessel to Don Ramon Font. The price has been paid, and witness considers it a true and fair equivalent for the vessel. Witness was the lader, principal owner (except of the tobacco belonging to the master and mate) and the consignee of the cargo. It was to have been sold at Bissão and St. Jago, Cape Verds. He does not know what cargo the vessel might have carried on her last voyage. The present lading consists of aguardiente, coffee, sugar, and cigars. The passport and other ship's papers are all true and fair. None of the ship's papers were destroyed, concealed, or made away with. There are no papers relative to the ship or cargo (except the bill of sale) in any other country. There was no charter-party. Neither the vessel nor cargo is insured. Bulk was broken at St. Jago, Cape Verds. The coamings of the hatchways are not bored, and there are no iron bars. There are two bulkheads, those of the cabin and forecabin, but no bunks. There are no spare planks. There is no slave-deck, nor a part of one laid. There are no shackles, bolts, or handcuffs. There were 7 pipes and 3 small casks, about 5 or 6 filled with fresh water. Thinks that they would contain about 110 or 115 gallons. There are no tanks or staves. There were 3 mess-tubs for the use of the crew. There are no slave boilers on board. The cabouse is small, and such as is usually seen in merchant vessels of this description. Of provisions there was only one bag of rice on board for the use of the crew."

Publication of the foregoing evidence was decreed on the 13th instant.

On the 14th the surveyors presented their Report, which was subsequently directed to be amended, and was not finally filed till the 20th, a delay owing partly to the illness of one of the surveyors; its substance was that the hatches and bulkheads were such as are usual in merchant vessels; that there was no spare plank; that they found no mess-kits; that there were three boilers capable of containing twelve and a half gallons, and also other cooking utensils of the content of two gallons more, which, though ample, the surveyors were of opinion was not too great a supply for a merchant-vessel of her class; that there were no shackles or manacles, but that they had found one small manacle-bolt five inches in length; that the ceiling of the vessel is pierced with holes on each side 22 inches from the deck, and capable of receiving spars on which a slave-deck might be laid; that there were 14 water-casks, capable of containing 1365 gallons, a quantity much more than requisite for the crew of the vessel as a merchant-vessel; that there was a quantity of fire-wood such as is always found on board slave-vessels, and much more than sufficient for a vessel of her class employed on a legitimate voyage; and in conclusion the surveyors reported that the vessel was built sharp, fitted with sweeps, and in every respect adapted for the Slave Trade.

On the 16th a claim was presented on behalf of the supercargo, as owner of the vessel and of the cargo, with the exception of 44 boxes of cigars, stated to be the property of the master, Cabrera, and which were also claimed on his behalf. The affidavit in support of the claim was as follows:—"Appeared personally Cayetano Estremera, of Saint Jago de Cuba, merchant, and maketh oath that he is a subject of Her Majesty the Queen of Spain, and that the said schooner was captured on the 3rd day of July instant by Her Majesty's sloop 'Wanderer,' the Honourable Joseph Denman commander, in prosecution of a lawful trading voyage from Saint Jago de Cuba to the coast of Africa, and brought to Sierra Leone. And he further maketh oath, that this deponent was at the time of the said capture, and now is, the true, lawful, and sole owner and proprietor of the said schooner, her tackle, apparel, and furniture; that Domingo Cabrera, the master of the said schooner, is the true and lawful owner and proprietor of 44 boxes of cigars on board the said schooner, and that this deponent is the true and lawful owner and proprietor of the remainder of the cargo on board the said schooner. And the deponent further maketh oath, that the said Domingo Cabrera having been taken sick of fever, he was left on shore at Bissão, and this deponent employed Jozé Mijares to act as master. And the deponent further maketh oath, that he verily believes that the said schooner and cargo are protected by the Treaty between His late Britannic Majesty and the Queen-Regent of Spain. And he further maketh oath, that no person or persons other than the persons before mentioned have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, goods, wares, and merchandize on board the same at the time of the capture and seizure thereof, and that he is duly authorised to make the claim hereunto annexed, that the same is a true and just claim, and that he shall be able to make due proof and specification thereof."

No opposition being offered on the part of the captor, this claim and the affidavit annexed to it were at once filed.

The monition was returned on the 19th, and on the same day the claimant's proctor prayed that certain special interrogatories might be put to the supercargo and to the cook of the vessel, as also to the surveyors, Messrs. M'Foy and Nicol; the prayer being granted by the Court, these parties were examined by the Registrar on the 20th.

Cayetano Estremera, the supercargo, deposed, that "the vessel came to the coast of Africa for the purpose of obtaining a cargo of ivory, palm-oil, rice, and hides, principally at Bissão; that the outward cargo had been disposed of at St. Jago, Cape Verds, and part at Bissão; at the Cape Verds payment had been received in bills on Bissão, and at the latter place in rice, ivory, palm-oil, and hides. That the iron bolt found on board was for the purpose of fastening the stanchion of the awning. That three of the empty casks originally contained wine and spirits for the use of the cabin and crew. That the wood on board was used as dunnage for stowing the cargo. That there was one passenger, Manoel Santa Benia, taken on board at St. Jago de Cuba, and disembarked at Bissão, who, witness understood, came on commercial matters to the coast. That there were eight other passengers taken on board at St. Jago, Cape Verds, for a passage to Bissão. And lastly, that witness bought the vessel with the holes cut in the ceiling, and which are for ventilation."

John Victor, the cook of the vessel, deposed, that "the vessel came to the coast for palm-oil, rice, ivory, and hides. That part of the cargo was sold at Cape Verds, but no return was then made for it,

and part at Bissão for rice, palm-oil, and ivory. That he had never seen the iron bolt said to be on board the vessel. That there were four empty casks, two of which formerly contained spirits and two wine for the use of the cabin and crew. That the wood was used as dunnage, as well as for the cabouse fire. That one passenger was shipped at Cuba and eight at the Cape Verds for a passage to Bissão."

Mr. M'Foy stated in his examination that slave-vessels were as often found without as with cleats on their sides for laying slave-decks upon; and that there were no cleats on the sides of this vessel.

Mr. George Nicol deposed to a similar effect, adding that when cleats are not used, oblong, square, or round holes in the ceiling frequently supply their places.

Publication was granted to the claimant on the 20th instant.

On the 22nd, the captor's proctor having prayed and obtained the sanction of the Court to the re-examination of the supercargo on special interrogatories, that person was brought up on the same day, and examined by the Registrar, and deposed as follows: That "he first made the Island St. Jago, Cape Verds, after leaving St. Jago de Cuba, in the month of May last; does not remember the day of the month. Remained there nine days, and disposed of one-fourth of the cargo, consisting of tobacco and a little coffee, at this island, to Francisco Brito, a Portuguese, and a resident merchant of Cape Verds, and to Señor Tima, a resident of the island, but of whose nationality witness is ignorant. These two persons compose a firm at St. Jago, Cape Verds. The purchasers deposited the cargo in their own stores. Witness only knows Cayetano Nozzolini personally, never having exchanged words with him. Saw him at Bissão, of which place Cayetano Nozzolini is Governor. Witness does not know whether he carries on any commercial business in addition to his government situation. Witness, after effecting the sale of his tobacco and coffee for rice, palm-oil, ivory, and hides, was returning from a second voyage to the Cape Verds, and had arranged to ship the said produce on reaching the port of Bissão, but before this could be effected seizure took place. The produce was consequently left behind at Bissão. The vessel was chartered for the second voyage to the Cape Verds by Don José Paula, the late Governor of Bissão, and started for those islands on or about the 10th of June last. After leaving Bissão the vessel went, in fulfilment of the charter-party with Don José Paula, to St. Jago, Cape Verds. Arrived at the above port on or about the 18th of June, cannot recollect the exact date. Remained there nine days, and landed 10 boxes of cigars at this port, and sold them to Señor Tima. The bill on Bissão, which witness obtained for the outward cargo sold at St. Jago, Cape Verds, is now at the former place. The said bill was drawn on one Juan Barrios, a Portuguese merchant, resident at Bissão, in whose custody it remains at present. There was but one bill drawn at St. Jago, Cape Verds, for the purchase of the tobacco and coffee, by Messrs. Francisco Brito and Tima. It amounted to 800 dollars. Witness left the bill of sale behind at St. Jago de Cuba, not having any intentions to sell the vessel, and therefore not requiring the said document. The name of the seller of the vessel is Ramon Font, a Spanish subject living at St. Jago de Cuba, from whom witness purchased the vessel about the 1st of March last, but is not positive as to the precise day of the month. Declares that it is not customary either to have the bill of sale or a notarial copy of it on board during a voyage. He intended to visit the Canaries on the homeward voyage, for the purpose of disposing of the rice, hides, palm-oil, and ivory, in exchange for wines, aguardiente, and crockery-ware, which witness would have sold at Matanzas, where there is a great demand for the above-mentioned articles."

Publication of this evidence having been prayed, and the case closed on behalf of the captor and the claimant, on the 24th instant the Court proceeded to put further interrogatories to the supercargo, mate, and cook.

To these interrogatories Cayetano Estremera deposed, That "he was born at Cadiz. Has lived in Cuba seven years; is married, and his wife and family reside in Cuba. Witness gave the master, Cabrera, possession of the vessel at St. Jago de Cuba at the end of the month of March last. Witness cannot recall to recollection the precise day of the month. First saw the vessel at St. Jago de Cuba three years ago. Witness knows that the vessel was built at New York, from having been told so by the late owner, Ramon Font. That he, the said Ramon Font, had employed one José Ayo, a mariner, to superintend the building of the vessel at New York, after having contracted with certain Americans (whose names witness does not know) to build the said vessel. During the three years witness has known the vessel, she has never gone by any other name than '*Amalia*.' The Portuguese ensign was received on board at Bissão, after Don José Paula had chartered the vessel, in order to serve as a signal for the said Paula; he being the late Portuguese Governor of that settlement. But witness always hoisted and sailed under the Spanish flag during the voyage. Witness is ignorant of the names of the 8 passengers taken on board at St. Jago, Cape Verds, for a passage to Bissão. The present voyage commenced at St. Jago de Cuba on or about the 1st or 2nd of April last, to the best of witness's knowledge. First made St. Jago, Cape Verds, on or about the 30th of May last, and continued there 9 days for the purpose of selling cigars and coffee. After this the vessel proceeded to Bissão, and arrived there on the 8th of June, likewise to dispose of that portion of the outward cargo consisting of aguardiente, sugar, coffee, and cigars; for which he was to receive hides, ivory, palm oil, and rice. Remained at anchor at Bissão 10 or 11 days. At the expiration of the above period the late Governor of Bissão, Don José Paula, chartered the vessel for a voyage to St. Jago, Cape Verds, whither the vessel arrived on the 19th of June; and after remaining 8 days at that island to await the recovery of José Paula, who had been taken ill, and did not regain his health sufficiently to return in the vessel to Bissão, witness again sailed for Bissão, and on reaching the bar of the river, on the 4th of July last (to the best of his knowledge), was seized and detained by the man-of-war. Witness declares that he is the sole owner of the vessel, and that no other person has any right, title, or share in the said vessel. The witnesses to the bill of sale were the Secretary of Marine at St. Jago de Cuba, and two of his clerks; cannot remember the names of these persons. The bill of sale was dated on the 12th March of the present year. The said document is now deposited at the office of the Secretary of Marine. The purchase-money of the vessel was paid in doubloons and dollars, amounting to 7000 dollars. Witness swears that the sale was in every respect true and fair, and neither false nor fictitious. Ramon Font is a Spanish merchant, resident at St. Jago de Cuba, where he carries on business. The said Font (witness swears) has no share or interest in the vessel. Declares that, in the event of the vessel's restitution, she will again become the property of witness, and of witness alone. There was no private agreement between witness and Ramon Font, or between witness and any other person, with regard to the vessel. Witness knows José Ayo, the said Ayo having been captain of the '*Amalia*' for about four days after he had bought her from Ramon Font. Ayo generally resides at St. Thomas's, in the West Indies, but is very frequently at St. Jago de Cuba. He is a mariner

by profession, and commanded the 'Amalia' whilst that vessel was owned by Ramon Font. On paper No. 7 being shown to witness he declared that it was a discharge of a sailor named Juan Enriques by Jozé Ayo, who was then the captain of the 'Amalia;' that witness does not know the reason of Ayo dismissing the said seaman; and that the said document was written and dated at St. Jago de Cuba, on the 1st of last March. The log-book was begun by the new mate, Jozé Mijares, from the day he shipped at Bissão. From that date the said log contains a correct account of the transactions of the voyage. Witness cannot say when, and by whom, the first leaves of the log-book were torn out; but as it only commenced at Bissão, witness declared, on his examination in chief, that none of the papers were destroyed, concealed, or made away with. On the second voyage to St. Jago, Cape Verds, from Bissão, when Jozé Paula chartered the vessel, witness carried cigars on freight; but in this cargo the said Paula had no interest, having engaged the vessel solely for the purpose of taking him to the Cape Verds for a change of air, on account of serious illness. Paula did not return to Bissão, as he still continued ill when the vessel left St. Jago, Cape Verds."

Jozé Mijares stated That "he was appointed mate of the 'Amalia' by the master, Domingo Cabrera, at Bissão, on the 24th of May last. It was generally known at Bissão that Domingo Cabrera was born in the Canaries: has often heard this fact mentioned, but not by the master himself. The Portuguese ensign was used on board as a signal; Jozé Paula, the late governor of Bissão, having chartered the vessel for a voyage to Cape Verds. Witness declares that part of the cargo, as he has heard by report at Bissão, was owned by one of the crew, named Paublino. Cannot, however, remember the said seaman's Christian name, nor what portion of the cargo belonged to him. Witness states that forty-four boxes of cigars were his own property; but that no other officers and mariners, except Paublino, had any interest or share in the vessel's lading. Immediately after witness had shipped as mate on board the 'Amalia' in June last, the master Cabrera informed him that Cayetano Estremera was the true and lawful owner of the said vessel: the owner himself subsequently confirmed this statement to witness. To the best of witness's knowledge and belief Cayetano Estremera is the *sole* owner of the vessel, and to him will she belong should restoration ensue. Estremera himself told witness that he was born at Cadiz. First became acquainted with him (the said Estremera) on shipping as mate of the 'Amalia' at Bissão in June last. Thinks that Estremera is a Spaniard, but cannot be positive as to this fact. Does not know of any private agreement between the owner and any other person whomsoever respecting the said vessel. Domingo Cabrera is the master of the vessel. He is now at Bissão, where he has been compelled to remain in consequence of severe indisposition. It was in May last (but cannot tell the precise day of the month) that Cabrera fell ill, and went ashore at Bissão, giving the temporary command of the vessel to witness until his recovery. Witness had the charge of the vessel in the place of the said Cabrera at the time of capture. He has known Cayetano Nozzolini since the month of April last. First saw him at Bissão. Swears that the said Cayetano Nozzolini had no concern, interest, or share in either the vessel, her cargo, or her return freight. Knows that the supercargo, Estremera, is the owner of the lading in the present voyage of the 'Amalia,' from having been told so in the course of conversation with the captain, and also from having heard the said supercargo mention the fact. Upon these grounds, witness verily believes that the said cargo will if restored again become the property of Cayetano Estremera. Witness declares that bulk was broken at Cape Verds, but it was on the occasion of the second visit to St. Jago, Cape Verds, when he had charge of the vessel. Of the transactions of the first visit to that island witness is entirely ignorant, not having then joined the said vessel. Cigars, aguardiente, sugar, and coffee were landed at Bissão, and delivered to one Juan Barrios, a Portuguese resident of the above-mentioned place, but witness believes a native of the Cape Verds. Witness persists in declaring his ignorance of the ultimate destination of the vessel. Is acquainted with the contents of the ship's paper, No. 5, which bears his signature. It is an agreement between the late mate, Ramon d'Oruna, and witness, to the effect that he should supersede the said D'Oruna in the above capacity of mate, and that the late mate should by the said document forego all claim for wages that he might have. Admits that the paper, No. 5, states St. Jago de Cuba to be the intended destination of the vessel on her return voyage, but in the event of the supercargo not obtaining freight for the above-mentioned place, it was at his (the supercargo's) option to proceed with the vessel to England. Witness therefore cannot be positive as to where the vessel was bound. Knows that Ramon Trillo, one of the witnesses, came to Bissão from Sierra Leone, and was waiting for a passage from the coast. Is ignorant whether he is a Spaniard or Portuguese. The other witness, João Martins, lives with his family at Bissão. He is a blacksmith by trade. That the quantity of water on board at the time of capture was contained in 5½ pipes, the remaining 4 pipes and 3 casks being empty. Some of the water was shipped at Bissão, and some after the vessel's arrival at St. Jago, Cape Verds. The large quantity of firewood which was on board the vessel was principally appropriated as dunnage for the cargo; some of it the cook used in the cabouse."

Justin Victor, the cook, gave in evidence that "he shipped on board the 'Amalia,' at St. Jago de Cuba, as cook, on the 25th of March last; was hired by the owner, Cayetano Estremera. That two days after he embarked on board the vessel she sailed from St. Jago de Cuba. First touched at St. Jago, Cape Verds; the vessel then went to Bissão; cannot remember how long she remained there. Again went to the Cape Verds; is ignorant of the length of time she stayed there. Lastly, the vessel was on her return to Bissão when seizure took place. Part of the cargo, consisting of cigars, was landed at St. Jago, Cape Verds; and part, namely, cigars and sugar, at Bissão. Does not know to whom the cargo was delivered at Bissão, nor who was the consignee at that place. Witness states that Cayetano Estremera, the supercargo, is both owner of the vessel and her lading; knows this from the said supercargo having engaged him as cook, and also from his having given him an advance of wages. The name of the boatswain was John Johnson, a native of Curaçoa; he was on board at the time of capture. The said John Johnson joined at St. Jago de Cuba at the same time that he (the witness) did, namely, on or about the 25th of March last."

The whole of the evidence deemed requisite having now been received—it being apparent that to put further interrogatories to the Spanish witnesses would have only led to involving some parts of the case in still further obscurity—the next step was to inquire into the validity of the proofs afforded. The testimony of the surveyors in their report being unimpeachable, it remained to examine that of the other witnesses produced, and the documentary evidence given by the ship's papers filed in this case.

These last presented, at the very outset, a remarkable hiatus. From the 26th of March to the 12th of May there appears a cloud thrown over the vessel's proceedings, which it has been found impracticable wholly to disperse.

If the vessel's official papers, and the verbal testimony adduced, are to be believed, Domingo Cabrera sailed with her from Cuba on the 26th or 27th of March, and continued in command till obliged by illness to remain on shore at Bissão, in June last; but if the document found in the master's trunk, purporting to be a certificate or discharge granted to Juan Enriques, be worthy of credit, this vessel was at Havana on the 1st of May. The question then presents itself, where was she, and what was she doing, between the 26th of March and the 1st of May, a period of 35 days? There can be no doubt but that she was illegally employed, else why are we deprived of the evidence her log-book would have afforded us? Frail as is the proof it frequently offers, the log-book is sometimes almost the only document on which any reliance can be placed, as showing the course of a vessel during the voyage in which she has been captured. In the present case the passport is without endorsements of any kind to show the vessel's proceedings; and we find the muster-roll, the only other official paper to which we can look for much information in that respect, fictitious as regards the names of the crew from the very commencement and throughout the whole continuance of the voyage.

With the scanty and most unsatisfactory evidence to be adduced from the vessel's papers, little can be made out on which much reliance may be placed, and the verbal testimony is of a still more discreditable nature; at almost every step the witnesses either deviate from their former statements, or contradict each other. For instance, the owner declares he has known the vessel since the 10th of March last, afterwards he says he has known her for three years; that she had no flag but a Spanish one on board, but afterwards admits there was a Portuguese ensign; that part of the cargo belongs to the mate, afterwards, that it is the sole property of himself and the master; that the course of the vessel was always in accordance with her papers; yet his evidence gives a course of trade on the coast of Africa not sanctioned by any one official document produced in the case; that no papers were destroyed, concealed, or made away with; yet the log-book, for the greater portion of the period stated to have elapsed since the vessel's departure from Cuba, is not forthcoming, and has apparently been torn out for the purpose of concealment; that he received payment for the cargo sold at Bissão in rice, ivory, palm-oil, and hides; but afterwards, that he did not receive payment; that he arrived at St. Jago, Cape Verdes, on the 18th of June, in fulfilment of a charter-party with José Paula, and remained nine days, whereas, in another place, he says there was no charter-party. And the log, such as it is, and the truth of which he swears to, states that the vessel arrived at St. Jago on the 26th of June, and went to sea again the following morning; and he sums up with a positive assertion, that the certificate signed by José Ayo is dated the 1st of March, and not the 1st of May; a piece of effrontery we hardly anticipated even from him. So much for the supercargo.

The mate professes to know nothing prior to the date of his shipment at Bissão; but here he sets off with a falsehood, for he swears he shipped in June, but almost in the same breath says he received the command in May; and his own signature proves that he must have joined the vessel in the latter month. The remainder of his evidence, so far as it goes, is little more satisfactory than that of the supercargo; in one place he swears he thinks *others* owned part of the cargo, but in another, that the supercargo is the owner; and in a third, that one Paublino and himself are part owners of the cargo; apportioning to himself, as is somewhat remarkable, 44 boxes of cigars, which the supercargo had already claimed as, and sworn to be, the property of the master, Cabrera. He declares, again, total ignorance of the destination of the voyage, yet acknowledges his signature to an agreement with the master, Cabrera, and the former mate, d'Oruna, in which Cuba is distinctly named as her return port. As to his own engagement with the vessel, and with regard to the quantity of water-casks, and in some minor particulars, he contradicts the supercargo, whose evidence is not corroborated throughout by that even of the cook, produced as a witness on behalf of the claimant; this man overshoots his instructions, and swears that *four* of the empty casks were rum and wine casks, whereas the supercargo only goes the length of *three*; he swears, too, that the vessel sailed from Cuba on the 27th March, whereas the supercargo fixes the 1st or 2nd April for the date of her departure, anxious, no doubt, to shorten the period over which so much suspicion hangs; he says also, that he was hired by the supercargo, and not by the master, Cabrera, the latter fact being sworn to by Cayetano Estremera, who says that the whole of the crew were hired by the master, though afterwards contradicting himself in regard to José Mijares. But it would avail little to follow those persons through contradictions and falsehoods so glaring and repulsive.

It seems, in the absence of evidence to the contrary, that this vessel formerly belonged to Ramon Font, a character whose name is well known, and has often appeared in the correspondence of the Mixed Commissions; that he transferred her by a sale, fictitious or real we know not, to Cayetano Estremera, on or about the middle of March, 1841; that on the 26th or 27th of that month she sailed from Cuba, ostensibly commanded by Domingo Cabrera, but really, as one of the documents found on board would infer, under the command of the former Captain, José Ayo; that we lose sight of her from that time to the 1st of May, when the boatswain's discharge is signed by the master, José Ayo, and dated at Cuba. We next find her arriving at the Cape Verdes on the 12th of May, and after remaining there some time she sails for Bissão, where she appears to have been on the 24th May, and possibly till the 5th June, when her muster-roll purports to be endorsed. From the 5th to the 26th, a period in which she might have made at least two trips between those places, we have no evidence to rely upon (for to the supercargo's testimony we attach little credit); the log, indeed, is written up to the 15th, but from that to the 26th it is blank, and it then states that the vessel arrived and anchored at St. Jago de Praia, Cape Verdes, weighed the next morning, and went to sea; the probability is, that in the interval she was engaged in conveying slaves from Bissão to the islands. On the 3rd of July she was detained by Commander the Honourable Joseph Denman, in her Majesty's sloop "Wanderer," as she was entering the passage to Bissão; and an examination of the vessel and papers having taken place, she was seized and sent to Sierra Leone for adjudication, on the charge of being engaged in the Slave Trade. Proceedings having been taken and concluded in the manner detailed in the former part of this report, the 27th was appointed for a day of trial on the joint petition of the proctors employed in the cause, and the Court having met on that day, and being of opinion that the claimant had wholly failed in his attempt to prove that the vessel was at the time of her seizure engaged in lawful traffic, whilst on the contrary the charge of illegal equipment had been most fully established, a sentence of condemnation as good and lawful prize to the Crowns of Great Britain and Spain was accordingly pronounced.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

No. 87.

Viscount Canning to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 25, 1841.

I HEREWITH transmit to you, for your information, the accompanying copies of two Despatches from Her Majesty's Commissioners at the Havana, containing their Report on the Slave Trade at that place during the months of July and August last.

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

I am, &c.
 (Signed) CANNING.

Enclosures in No. 87.

Havana Commissioners to Viscount Palmerston, August 20 and September 15, 1841.

(See No. 184, and No. 187.)

No. 88.

Viscount Canning to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 26, 1841.

WITH reference to Viscount Palmerston's Despatch to you, of the 27th February last, respecting the capture of the Spanish slave-schooner "*Sirena*," I herewith transmit to you, for your information, the accompanying copy of a communication from Her Majesty's Minister at Madrid, containing the answer of the Spanish Minister to the representation made by Mr. Aston to the Spanish Government upon this subject.

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

I am, &c.
 (Signed) CANNING.

Enclosure in No. 88.

Mr. Aston to Viscount Palmerston, October 2, 1841.

(See Class B.)

No. 89.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 23, 1841.**(Received November 27.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 22nd July last, forwarding to us, for our information, a copy of a Despatch from Her Majesty's Commissioners at Havana, containing their report upon the Slave Trade of the island of Cuba for the year 1840.

We beg leave to offer our best thanks to your Lordship for the communication transmitted to us.

We have, &c.
 Signed) W. FERGUSSON.
 M. L. MELVILLE.

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

No. 90.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 27, 1841.**(Received December 4.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of July, transmitting to us copies of Despatches from Her Majesty's Commissioners at Havana, giving an account of the Slave Trade at that place during the months of February, March, and April last.

We beg leave to offer our best thanks to your Lordship for the information thus afforded to us.

We have, &c.

(Signed)

M. L. MELVILLE.
W. FERGUSSON.

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

No. 91.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, October 12, 1841.**(Received December 4.)*

MY LORD,

We have the honour to enclose herewith our report of the case of the Spanish schooner "*Numantina*," Valentin Cadieres, master, condemned this day for being equipped for the Slave Trade.

This vessel was captured off Cabinda, after an eight hours' chase, on the 2nd September last, by Her Majesty's sloop "*Persian*," Commander Eden; she arrived here on the 5th instant, and proceedings having commenced the same day, terminated as above mentioned.

The "*Numantina*," it is alleged, was formerly employed in the traffic under the name of "*La Salomé*;" we have no reason to doubt, however, that since the date of her papers (March, 1840) she has gone by her present name, and we believe her to be the same Spanish schooner "*Numantina*," repeatedly mentioned of late in the lists of arrivals and departures forwarded by Her Majesty's Commissioners at the Havana.

The evidence went to prove that Valentin Cadieres was neither owner nor master, though the papers stated that he was both. This, however, in no way affected the fate of the capture, for the true owner, Pedro Marogata, though said to be a French subject, was also sworn to be a resident of Havana; and having under the flag of Spain employed his capital in illicit traffic, rendered it of course liable to the consequences which have now resulted.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

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

Enclosure in No. 91.

*Report of the case of the Spanish schooner "Numantina," Valentin Cadieres, master.**Sierra Leone, October 12, 1841.*

THE papers in this case were:—

1. Royal passport, No. 428, for the schooner "*Numantina*," of 90 tons burthen, owned and commanded by Don Valentin Cadieres, of Cadiz, dated at the palace on the 10th April, 1839, and at Havana on the 18th March, 1840. It contains the usual warning against the traffic in slaves, and is endorsed at the same place on the 9th June, 1841, in favour of the same captain, and with a similar warning against engaging in the Slave Trade.

2. Counter-sign or fort-pass, No. 40, in favour of Captain Don Valentin Cadieres for the said schooner "*Numantina*," dated Havana, 18th March, 1841, and endorsed for the same captain and vessel at the same place on the 9th June, 1841.

3. Muster-roll for the same vessel, commanded by the same master, who is here, however, called CLASS A.

Cadieri; the crew are stated to consist of 19 persons including the master, Valentin Cadieri, and the mate, Francisco Barrallie; the former is stated to be a native of Cadiz, and the latter of Ferrol. The list was originally for 21 persons, but two are certified to have quitted her; this document is also dated the 9th of June, 1841.

The 4th was a log-book of the vessel's proceedings, apparently kept by Valentin Cadieres; it commences on the 13th June, and concludes on the 27th August, the remainder being torn out.

The "*Numantina*" arrived at Sierra Leone on the 5th October; on the same day her papers were brought into the British and Spanish Mixed Court of Justice, and the usual monition and commission of survey and inspection were issued.

The captor's declaration is as follows:—"I, Thomas Rodney Eden, Esquire, commander of Her Britannic Majesty's sloop '*Persian*,' hereby declare that on the morning of the 2nd September, 1841, being off the coast of Africa, in latitude 4° 39' South, and longitude 11° 16' East, I detained the schooner '*Numantina*' under Spanish colours, after a chase of eight hours, she refusing to heave to, though repeatedly fired at by the '*Persian*.' I further declare, that on boarding her I found her fully equipped for the Slave Trade, having her slave-deck laid, her leaguers full of water, and slave-coppers in their place, together with a great number of slave-tins for the use of the slaves, armed with a long pivot-gun and a crew of 23 men.

"I further declare that her master, whom I landed sick at Kabenda, acknowledged to me that the vessel in question is the late '*Salomé*,' of the Havana, under which name she had made three trips for Africans to the coast; that she had left Havana on the 14th June, and was bound to Kabenda, for the purpose of taking in 400 slaves.

"I further declare that the accompanying are all the documents that I could find relative to the vessel, numbered from 1 to 4 inclusive."

The affidavit of the prize officer authenticating the papers accounted for the absence of the master, who it appears had been put on shore at Cabinda in consequence of illness.

On the 6th the witnesses, Joaquim Manoel Rosendo Fraga, the boatswain, and Pedro de la Vega, a seaman, were produced at the Registry and examined. The former deposed to the following effect:—That "he was born at Cadiz. Now lives at Havana, where he has resided about six years. Is a subject of Spain, and has never served any other State. Is not married. The name of the master is Valentin Cadieres, the person mentioned in the ship's papers as master, but the real commander was Don Francisco; both were landed at Cabinda by order of the commander of the seizing vessel. He has been acquainted with Cadieres about seven months; but does not know where he was born, nor where he generally resides, or if he be married. Don Pedro Marogata, a resident of Havana, appointed the master to the command. Is ignorant where and when the said master took possession. First saw the vessel about three years ago at Havana; cannot tell where she was built. He was present at the time of seizure. Cannot say upon what pretence the capture took place. The vessel sailed under Spanish colours, and had no other flags on board. The name of the vessel is '*Numantina*,' by which she has been called since the commencement of the voyage at Havana in June last; previously to that time she was named '*La Salomé*.' Does not know her tonnage. The crew consisted of 24 individuals, exclusive of the master, all Spaniards, hired and shipped by the owner at Havana in June last. Witness had no share or interest in the vessel or her lading, and to the best of his knowledge and belief none of the officers nor mariners had any. Was boatswain on board. There were no passengers. The present voyage commenced at Havana in June last, where it was to have ended, and where the vessel last cleared out. The vessel has touched at no ports or places since sailing from Havana, nor has any communication taken place with the shore or the natives during this voyage. Capture took place off Cabinda on the 4th of September, after a chase which commenced at 7 A.M., when the capturing ship was first seen, and terminated at 3 P.M. The course was not altered, but directed during the whole voyage to Cabinda, which was the destination of the vessel, every effort being made, nevertheless, to avoid seizure. There is one gun, a 9-pounder, mounted on board, as well as 16 muskets, 16 cutlasses, and about 3 dozen packets of cartridges. Does not know why the vessel was so armed, nor whether the master had any instructions to resist or avoid capture, or to destroy or conceal any of the vessel's papers. No resistance was made at the time of capture. Don Pedro Marogata owns the vessel, and lives at Havana; but witness is ignorant of the place of his previous residence, having been acquainted with him only one year. Witness knows that the said Marogata is the owner of the vessel, from its being generally reported at Havana. Thinks that Marogata is a French subject. Does not know whether there be any bill of sale, or the amount paid for the vessel. Verily believes that if the said vessel be restored she will belong to Marogata and to no other person. Cannot tell if there are any private agreements for the return of the vessel to her former owners. Witness is ignorant of the names of the laders, owners, and consignees of the cargo. It was shipped at Havana in June last, but cannot say for whose account or risk. The master had possession of the manifest, and to the best of his knowledge and belief he still has it. Witness does not know the nature of the lading on the last voyage. The present cargo consists of *aguardiente*, which is still on board. It was shipped at Havana in June last. The vessel has not been carried into any ports or places since the capture. The royal passport, fort-pass, and the muster-roll, together with the log, are, to the best of his knowledge, all true and fair. Knows of nothing to affect their credit. Vessels sailing from Havana are always furnished with true ship's papers. None of the ship's papers (with the exception of the manifest, which the master took with him on being landed at Cabinda) have been destroyed or concealed. He is ignorant of the existence of any other papers relative to the vessel and cargo besides the manifest in any other country. He cannot say whether there be any charter-party respecting the present voyage, nor between what parties such may have been made. He is ignorant whether the vessel, or any and what part of the cargo, be insured. Bulk has not been broken from the time the vessel cleared out at Havana, in June, to the time of capture on the 4th September last. The hatches of the said vessel are fitted with open wooden gratings. Does not know for what purpose they are so fitted. The combings of the hatchways are bored—they are thus fitted for the reception of iron bolts and the wooden gratings, which last are constructed above the former. There are iron bolts on board for the said hatches, but cannot tell the number of them. There are two bulk-heads, those of the cabin and fore-castle, and two bunks on deck. There are no planks on board. There is a complete slave-deck laid. There are no shackles, bolts, or handcuffs. There are 25 water-casks on board, 4 of which are empty, and the rest filled with fresh water, the quantity of which witness does not know. There are also a quantity of staves on board, but no tanks, and the cargo of spirits is contained in

pipes and demijohns, the number of which witness does not know. Thinks that the water-casks were not more than sufficient for containing the requisite supply for the crew. There are 20 tin mess-kits on board for the use of the crew. There is one large iron boiler; to the best of witness's knowledge and belief it was on board for the use of slaves, who were to form the return cargo. There are three bags of rice, one barrel of beans, and half a barrel of flour, for the consumption of the crew."

The evidence of the seaman was confirmatory of that of the preceding witness, as regarded the fact of the mate, Don Francisco, being in reality the master of the vessel, and Valentin Cadieres merely the captain of the flag; it also corroborated the boatswain's testimony as to the illegal equipment of the "*Numantina*;" in other respects it afforded little or no information.

The surveyors reported on the 7th that they had found an after-scuttle and two sleeping-berths on deck, not usual or necessary in a lawful trader.

The coamings of the fore and main hatchways bored, and 15 iron bars adapted for forming gratings over them.

Four ventilating holes cut in the deck, fitted with iron gratings, and measuring 5 feet 5 inches in length, by 20 inches in breadth.

A slave-deck laid fore and aft.

An iron cabouse, fitted with a large slave-boiler.

45 mess-tins, 58 tin drinking-cups, and 500 wooden spoons, such as are usually found in slave-vessels.

A quantity of firewood, more than sufficient for a vessel engaged in lawful commerce.

The quantity of water and water-casks they were unable to ascertain, owing to the slave-deck resting on the latter, and the hold being nearly full.

The petition for publication of the evidence was granted on the 6th, and the monition being returnable on the 12th, that day was appointed for the adjudication of the case, when, the Court having met, sentence of confiscation of vessel and cargo was pronounced.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

No. 92.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 31, 1841.

I HEREBY transmit to you, for your information, copies of two Despatches from Her Majesty's Commissioners at the Havana, giving an account of the Slave Trade at that place for the months of September and October, 1841.

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

I am, &c.
(Signed) ABERDEEN.

Enclosures in No. 92.

Havana Commissioners to Viscount Palmerston, October 18, and November 25, 1841.

(See No. 190 and No. 196.)

SIERRA LEONE. (*Portugal.*)

No. 93.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 22, 1840.

MY LORD,

(Received January 14, 1841.)

WE beg leave respectfully to refer your Lordship to our Despatch of the 10th ultimo, respecting the ship's papers of certain Portuguese slave-vessels condemned at Sierra Leone in the years 1837 and 1838, and to acquaint your Lordship that the papers of the Portuguese vessels condemned subsequent to those years, which were reported in that Despatch to be in the course of preparation for transmission, have been since completed, and are herewith forwarded to your Lordship.

The papers now enclosed are of the schooner "*Violante*," schooner "*Gertrudes*," schooner "*Lavradora*," schooner "*Passos*," schooner "*Liberal*," schooner "*Casualidade*," schooner "*Pomba d' Africa*," sloop "*Sedo ou tarde*," schooner "*Andorinha*," and the launch "*Vencedora*." These form the whole of the cases condemned in the year 1839 in the British and Portuguese Court of Mixed Commission in this colony, with the exception of the schooner "*Magdalena*," and the schooner "*Rozalia Habaneira*," the ships' papers of which two vessels we cannot hand to your Lordship, in consequence of the passports having been sent to the British Consul at the Cape Verds, as reported to your Lordship on the 31st December, 1839.

In the Despatch of the 11th June, 1839, reporting the condemnation of the schooner "*Liberal*," several of the papers found on board of that vessel were transmitted to your Lordship, which, with the ship's papers now forwarded, will place your Lordship in possession of every document of the slightest interest in that case.

The only vessel under the Portuguese flag seized and condemned with a cargo of slaves on board during the present year was the "*Olimpa*," reported in our Despatch of the 28th May last, the ship's papers of which are herewith enclosed.

The documents which we have now the honour of forwarding to your Lordship complete the cases of Portuguese vessels condemned with cargoes of slaves by the British and Portuguese Mixed Commission Court of this colony, between the 10th of December, 1836, and the present date. We propose to await your Lordship's instructions respecting the transmission of the papers of vessels seized under the flag and pass of Portugal, which have been condemned in the British and Brazilian, or British and Spanish Mixed Courts, on the ground of their not having *bonâ fide* a Portuguese national character.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

No. 94.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 15, 1841.

I HEREWITH transmit to you, for your information, a copy of a Despatch and of its Enclosure from Her Majesty's Commissioners at Rio de Janeiro, containing a notice which has been issued from the Consulate-office of Portugal at Rio respecting the legalization of ships' papers at that office.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 94.

Rio Commissioners to Viscount Palmerston, October 13, 1840.

(See No. 203).

No. 95.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 1, 1840.*

MY LORD,

(Received March 8, 1841.)

WE have the honour of reporting to your Lordship, that on the 22nd ultimo we received from Her Majesty's Consul at the Cape Verd Islands two Despatches, bearing date respectively the 1st of July and the 11th of September last; the former acquainting us that Mr. Rendall had communicated to the Governor of the Cape Verds the contents of the Despatch on the subject of Portuguese passports issued at those islands, addressed to him by Her Majesty's Commissioners on the 31st of December, 1839; and the other, furnishing us with general information respecting the Slave Trade at the Cape Verds and in their neighbourhood.

From the latter communication of Mr. Rendall we extracted those particulars which we thought might be useful to the squadron, and handed them to the commander of the "Wanderer," the senior naval officer on this part of the coast.

In this letter to Commander Denman we were particular in requesting his attention to Mr. Consul Rendall's statement of a Slave Trade being carried on at present on this coast between the French settlements of Gorée and Senegal, and his suspicions that the vessels concerned in the Slave Trade were disposed to commit acts of piracy during the time they waited on the coast for the collection of their human cargoes.

We have, &c.
 (Signed) R. DOHERTY.
 WALTER W. LEWIS.

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

No. 96.

*Her Majesty's Commissioners to Mr. Backho use.**Sierra Leone, December 31, 1840.*

SIR,

(Received April 13, 1841.)

WE have the honour to acquaint you that no vessel has been adjudicated

in the British and Portuguese Court of Mixed Commission during the last half-year.

We have, &c.

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

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 97.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.

(*Received April 13, 1841.*)

MY LORD,

WE have the honour to enclose an Abstract of the proceedings in the British and Portuguese Court of Mixed Commission established in this colony during the past year.

During that period only one vessel has been adjudicated and condemned, and from which 370 slaves were emancipated.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

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

Enclosure in No. 97.

Abstract of the Proceedings during the Year 1840, in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the repression of the Slave Trade.

Sierra Leone, December 31, 1840.

THE Portuguese schooner "*Olimpa*," José Pereira, master, was captured in the Bight of Benin on the 18th of April, 1840, with 380 slaves on board, by Her Majesty's brigantine "*Lynx*," Lieutenant Commander Broadhead, and sent to this colony for adjudication, where she arrived on the 18th of May, 1840.

The usual proceedings in prosecution of this vessel before the British and Portuguese Mixed Commission, for having been found with slaves on board, were commenced on the 18th of May, 1840.

From the ship's papers and evidence received in this case, it appeared that the "*Olimpa*" was completely fitted for the Slave Trade in February, 1840, at the Havana, and cleared out at the Custom-house of that port for a voyage to St. Thomas's on the Line. She, however, went direct to Lagos and embarked a cargo of slaves.

The owner of the vessel is stated in the passport, which bears date at the Cape Verd Islands on the 29th of December, 1835, to be Luiz Pereira de Mello.

On the 25th of May, 1840, the schooner "*Olimpa*" was declared to be confiscated, having been lawfully seized with 380 slaves on board; the survivors of whom, in number 370, were at the same time declared to be emancipated.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 98.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 8, 1841.

(*Received May 29.*)

MY LORD,

WE have had the honour of receiving your Lordship's Despatch of the 15th January last, transmitting to us, for our information, a copy of a Despatch and of its enclosure from Her Majesty's Commissioners at Rio de Janeiro, containing a notice which had been issued from the Consulate of Portugal in that city, respecting the legalization of Portuguese ship's papers at that Consulate.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

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

No. 99.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, March 15, 1841.**(Received May 29.)*

MY LORD,

WE beg leave to refer to our Despatch marked Brazil, of the 8th instant, reporting the condemnation of the Brazilian brigantine "*Nova Inveja*," and to acquaint your Lordship that, in one of the packages of gunpowder seized on board this vessel, there was accidentally discovered a parcel containing official papers, which were delivered up to the Registrar to the Commissions on the morning of the sale of this prize.

On the papers in question being translated, they appeared to consist of a passport and a series of muster-rolls for the Portuguese brigantine "*Pallas*."

The passport described the "*Pallas*" as being owned by José Antonio Affonço, and as being about to proceed from Rio de Janeiro to the Cape Verds, by the way of the Ports of Africa. It was dated at Rio de Janeiro on the 9th of February, 1839, and signed by the Portuguese Consul-General Moreira.

The endorsements upon this document showed that this vessel was at Angola on the 30th of March, 1839. That on the following 5th of August she cleared from Rio for Montevideo, and to return to the former port, between which places she appears to have been a regular trader from that time until September 1840, when she was at Montevideo, and again cleared out for Rio de Janeiro, being her fifth voyage between those ports during the period in question.

The Portuguese Vice-Consul Moniz at Rio states, that his last endorsement on the passport of the "*Pallas*" on the 14th of July, 1840, has been granted in consequence of his "not having at that time received any instructions from Her Most Faithful Majesty's Government as to the mode in which vessels are to be furnished with the documents as required by law."

The file of muster-rolls agreed with the passport in every way, except as to the last voyage from Rio to Montevideo, for which there was no such document. There was, however, a muster-roll for the return voyage from Montevideo, dated in that port on the 19th of September, 1840.

What may have been the fate of the brigantine "*Pallas*" it is not possible to learn at present; the object with which her papers were brought to this coast in the "*Nova Inveja*" is, however, by no means doubtful, as it is evident they must have been to supply any vessel engaged in the Slave Trade which might need Portuguese ship's papers.

The reason that the papers in question were so carefully stowed away was of course to avoid the liability to seizure, which the parties concerned in the "*Nova Inveja*" knew would attach to that vessel being found with two sets of ship's papers on board in the event of a visit from a British cruiser.

In our Despatch marked Spain, of the 5th of February last, we had the honour of reporting to your Lordship that it was the boast of the crews of slavers condemned here, that the Portuguese papers under which their vessels sailed were generally fictitious, and we then instanced the case of the "*San Paulo de Loando*." We would now beg to add a reference to the Despatch marked Spain, of the 26th of October, 1840, as affording another instance of the system of supplying false ship's papers to slave vessels.

We have, &c.

(Signed)

JOHN JEREMIE.

WALTER W. LEWIS.

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

No. 100.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 11, 1841.

WITH reference to your Despatch, marked Spain, of the 5th of February, 1841, transmitting your report of the case of the "*San Paulo de Loanda*," condemned in the Mixed British and Spanish Court at Sierra Leone, I herewith transmit to you, for your information, a copy of a Despatch which I addressed to Her Majesty's Envoy at Lisbon, respecting the papers of that vessel, together with a copy of the answer which I have received thereto.

I am, &c.

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

(Signed) PALMERSTON.

Enclosures in No. 100.

*Viscount Palmerston to Lord Howard de Walden, May 12, 1841.**Lord Howard de Walden to Viscount Palmerston, July 23, 1841.*

(See Class B.)

No. 101.

*Her Majesty's Commissioners to Mr. Backhouse.**Sierra Leone, June 30, 1841.**(Received September 20.)*

SIR,

WE have the honour to acquaint you that no vessel has been adjudicated in the British and Portuguese Court of Mixed Commission, during the half-year ended this day.

We have, &c.

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

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

No. 102.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, October 11, 1841.**(Received December 4.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 11th of August last, transmitting to us, for our information, copy of a Despatch addressed by your Lordship to Her Majesty's Envoy at Lisbon respecting the papers of the condemned slaver "*San Paulo de Loanda*," as also a copy of the reply which your Lordship had received from Lord Howard de Walden.

We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

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

No. 103.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 15, 1841.

WITH reference to the several representations which you have from time to time made upon the subject of the conduct of Mr. Pluma, the Tuscan Consul at the Havana, in granting papers to slave-vessels, I herewith transmit to you, for your information and guidance, a copy of a Despatch and of its Enclosures from Her Majesty's Envoy at Lisbon, stating that the Portuguese Government has declared formally, that consular documents furnished by Mr. Pluma to Portuguese vessels shall have no effect or validity as evidence of the nationality of the vessels to which they may be granted.

I am, &c.

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

(Signed) ABERDEEN.

 Enclosure in No. 103.
Lord Howard de Walden to Viscount Palmerston, November 13, 1841.

(See Class B.)

SIERRA LEONE. (*Netherlands.*)

No. 104.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, Dec. 31, 1840.

(Received April 13, 1841.)

SIR,

WE have the honour to acquaint you that no vessel has been adjudicated in the British and Netherlands Mixed Court of Justice, during the last half year.

We have, &c.
(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.

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

No. 105.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, June 30, 1841.

(Received September 20.)

SIR,

WE have the honour to acquaint you that no vessel has been adjudicated in the British and Netherlands Mixed Court of Justice, during the half-year ending this day.

We have, &c.
(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

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

SIERRA LEONE. (*Brazil*).

No. 106.

Her Majesty's Commissioners to Viscount Palmerston.

(Extract.)

Sierra Leone, October 6, 1840.

(Received January 14, 1841.)

WE have the honour to inform your Lordship that Commander E. H. Butterfield, of Her Majesty's sloop "Fantôme," seized off the mouth of the river Congo, on the 29th of August, 1840, the Brazilian brigantine "*Claudina*," A. F. C. Vasconcellos, master, on the ground of her being concerned in the Slave Trade. At the time of the seizure of the "*Claudina*" her master declared her to be proceeding on a voyage from Rio de Janeiro to the Azores, to convey thence emigrants to Rio, with leave to call on the outward voyage at Cabinda, the notorious slaving port to the southward of the equator.

The detained vessel reached this colony on the 17th of September, and immediate measures were taken for her prosecution on the above-mentioned charge before the British and Brazilian Court of Mixed Commission, which terminated in a sentence of confiscation of the vessel and her cargo on the 1st of October instant.

Our report of this case is herewith transmitted to your Lordship.

From this report your Lordship will perceive that the principal official papers for the voyage in which this Brazilian vessel was detained, were furnished by the Portuguese Vice-Consul at Rio de Janeiro, Senor Francisco Joaõ Moniz; and that two of those papers, both dated the same day, give opposite destinations for the vessel.

The "*Claudina*" brought up to this colony forty-three negroes, whom Commander Butterfield had seized off the river Congo, on board of three boats, the crews of which deserted them on the approach of the captors. As these negroes could not, under the peculiar circumstances attending their seizure, be emancipated by any of the Courts in this Colony, the Proctor for the seizer applied to the Governor to receive them; and they were accordingly at once placed in the care of the Liberated African Department.

(Extract.)

Enclosure in No. 106.

Report of the Case of the Brazilian Brigantine "Claudina," Agostinho Fernandes Catanho de Vasconcellos, Master.

Sierra Leone, October 6, 1840.

THE "*Claudina*" was provided with an Imperial Brazilian passport, dated at Rio de Janeiro the 22nd of July, 1840, describing the above-mentioned Vasconcellos as the master, and Lourenço Antonio Pinto, filho, as the proprietor of the said vessel. This document, and a bill of health dated on the same day, with a paper stating the vessel's destination, &c., apparently a sort of fort-pass, were all the Brazilian official papers which this vessel carried, the rest of her documents having been granted by the Portuguese Consul at Rio de Janeiro.

Of Portuguese official papers, the "*Claudina*" had as follows:—

1. Muster-roll, No. 79, dated Rio de Janeiro the 22nd July last, stating that this vessel was to be navigated by 15 persons, on a voyage "to the Western Islands, by way of the West Coast of Africa." The master of the brigantine is declared to have proved himself to be a Brazilian subject, and a resident of Rio. The roll is stated to have been signed by the principal revenue officer of the port, but appears to have been prepared at and issued from the Portuguese Consulate.

2. The manifest of the cargo was signed by the master, and certified by the Portuguese Consul on the 22nd of July; and had attached to it, under the Consular seal, four bills of lading for the said cargo,

which papers showed that Manoel Ventura Teixeira Pinto had shipped 25 pipes of aguardiente for Faustino José de Barros of St. Thomas's, and 10 sacks of rice, 60 of beans, and 120 of farinha, for José Francisco do Torre Brown, or Brum, of the Azores. Antonio Fernandes Coelho had embarked 10 packages of rum for José Pinheiro d'Andrada of St. Thomas's; and Manoel Pinto de Fonseca a cask of wine, one of peas, and one of sundries, for Francisco Antonio de Madeiros of St. Thomas's. The destination given the vessel in the manifest is the Azores, touching on the *Western Coast* of Africa, whilst the bills of lading explain the latter term to mean delivering cargo at St. Thomas's on the Line. On the same day, however, that the Portuguese Consul certified, under his hand and seal of office, this manifest, &c., he granted a paper (No. 3, hereunder transcribed) referring to the foregoing, in which he assigns a totally different route to the detained vessel.

3. "To the Officer in charge of the Custom-house at Benguela.

"Herewith are bills of lading, together with a manifest of the cargo which goes from hence in the Brazilian brigantine called the '*Claudina*,' whereof A. F. C. de Vasconcellos is master, which manifest leaves this place properly signed, and sealed with the seal of this Consulate.

"God protect, &c. Rio de Janeiro, this 22nd day of July, 1840.

(Signed)

"FRANCISCO JOAO MONIZ, Vice-Consul."

The official certificate of admeasurement describes the vessel as of the burthen of 130 tons.

The log-books show that the "*Claudina*" left Rio de Janeiro on the 23rd of July last, and that she proceeded direct to Cabinda, off which she appears to have arrived on the 25th August following.

Lourenço Antonio Pinto, filho, in his instructions to the master of this vessel, dated at Rio the 22nd July, desires him to proceed to the Western Islands, first touching at Cabinda, to which place he is to go direct; and there, with as little delay as possible, discharge what cargo he has for that town, agreeably to the bill of lading (there was not any cargo for Cabinda according to the papers); and, after receiving the freight, depart at once for the Azores, delivering the enclosed document (hereunder transcribed) to José Francisco do Torre Brown, who was to supply as many colonists as the vessel could conveniently carry, and which persons were to be brought to Rio on account of the Society for Promoting Colonization.

The owner says, respecting the chance of delay at Cabinda, that if any should arise by which the master cannot "at once land the cargo, he is to put it overboard, especially the pipes (of spirits), with which the master is more likely to run some risks, as this is the nature of the agreement entered into here with the shippers of the said cargo, in consequence of the freight being so small that it does not in any way compensate for the delay which might otherwise have occurred." Then follows the expression of the writer's fears that delay at Cabinda might lead to impressions of his vessel and property being employed in "the illicit and abominable traffic in slaves;" and he strongly cautions the master against allowing, under any pretence, a slave being received on board of the brig.

The paper above-mentioned, as forming an enclosure in this letter of instructions, was as hereunder:—

"To the most illustrious and most excellent President for the Society for Colonization.

"This is to say that Lourenço Antonio Pinto Fonseca, owner of the national brigantine '*Claudina*,' has engaged to allow his vessel to proceed to the Western Islands, for the purpose of bringing colonists from thence to this port—that is, such as are perfectly willing to come to this country; and as this expedition is undertaken with a view to carry into effect the object of the Society of which your Excellency is the President, it is hoped that you will give your assistance to, and grant facilities for the importation of, the said persons. We are already bound to acknowledge the many advantages this Society at present enjoys under your Excellency's superintendance, and which we are enabled to offer to these said persons immediately on their presenting themselves here.

(Signed)

"E. R. MCE.

"The Directory cannot enter into any arrangements for the disposal of the colonists before their arrival, so that the people may have the opportunity of selecting whatever service they please, or what may hereafter be agreed upon as best suited to their qualifications.

"Dated at Rio de Janeiro this 22nd day of July, 1840.

(Signed)

"J. S. PEREIRA."

M. Pereira appears to be the President of this Society.

The only other paper found on board the "*Claudina*," which it is necessary to notice, was a letter addressed by Manoel Pinto da Fonseca, of Rio de Janeiro, to the master of this vessel, jointly with his mate, Antonio Lopez da Costa Ricio, who was to act in the master's place if requisite. This letter states that Fonseca had shipped, for the Azores and Cabinda, certain goods which were to be there delivered respectively to Señor Brum, or Brown, and Señor Barras; and that bills of lading had been signed by the said master to this effect. The official manifest, with bills of lading attached thereto, shows that no such shipments had taken place on the part of Fonseca, that person's name being attached to one only of the four bills of lading, which was for a few trifles to be delivered at St. Thomas's to Señor Madeiras.

The "*Claudina*," arrived in this harbour on the 17th of September ultimo, and was immediately visited by the Marshal, who reported the circumstances of the prize's capture to the Mixed Court.

On the following morning the Surgeon to the Court visited this vessel to report upon the condition of 43 slaves, who, it appeared, had been conveyed hither in this vessel, and who were found to be generally in good health. The Surgeon, however, considered it advisable that they should not be longer kept on board the prize.

The papers of the detained vessel came before the British and Brazilian Court on the 18th ultimo, and were ordered to be filed, after they had been properly authenticated, together with the declaration of the capturing officer. The usual monition was then issued, and the examination of the witnesses in preparatory, the master of the detained vessel, and Jozé Bruno, his cook, was directed to take place on the 21st ultimo.

From the petition of the captor's proctor, and the affidavit of seizure, the Court learned that the 43 slaves brought to the colony in the detained brig had been placed on board for passage hither by the seizer after her capture, the said slaves having been seized by him off the mouth of the river Congo whilst on their way to Cabinda in three boats, the crews of which abandoned them, and fled to the shore, leaving many of the said slaves shackled together. As these slaves could form no part of this case, and could not be prosecuted in any of the Courts of the colony, the proctor stated his intention

of applying to the Colonial Government to receive them, which was accordingly done, and they are now enjoying all the benefits of freedom.

The declaration of Commander Edward Harris Butterfield, of Her Majesty's sloop "Fantôme," stated that, "on the 29th day of August, 1840, being off the mouth of the river Congo, he detained the brigantine 'Claudina,' sailing under Brazilian colours, armed with two guns (six-pounders), commanded by Agostinho Fernandes Catanho de Vasconcellos, who declared her to be bound from Rio de Janeiro to Fayal, with a crew consisting of 13 men, whose names, as declared by them respectively, are inserted in a list at foot hereof, and being fitted for the slave-trade, viz. :—

"Having an unusual quantity of water; a quantity of fire-wood and farinha, and boilers much larger than are generally found in merchant vessels in legal trade."

The master of this vessel deposed, in replying to the standing interrogatories, That "he was born at Pernambuco, in Brazils. Has lived, during 12 years, at Rio de Janeiro. Is a subject of Brazil, and has never been subject of any other state since the independence of that empire, before which time he was a subject of Portugal. Is not married. He was appointed to the command, and had possession given to him, at Rio de Janeiro, during the month of June last, by Manoel Pinto de Fonseca, a subject of Brazil, residing in that town. First saw the vessel there and then: she was built in North America. He was present at the capture, which took place in consequence of the number of water-casks on board. The vessel sailed under Brazilian colours; and there were besides a Portuguese and an United States' flag on board, not intended for any particular use, and merely there because they had been purchased with the vessel. The vessel is called the 'Claudina.' Never heard of her having borne any other name. She is of 130 tons burthen. There were 13 officers and mariners, exclusive of witness; two-thirds of them Brazilians, and one-third Portuguese—all hired and shipped at Rio Janeiro, during the month of June last, by the boatswain. 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 Rio Janeiro, which was the last port of clearance. The vessel touched at Cabinda, and discharged 30 pipes of aguadente, 30 bags of beans, 20 of farinha, and other cargo; and she touched nowhere else during the voyage. While the brigantine was at anchor at this place, on the 27th ultimo, a boat from the capturing ship was seen at six o'clock in the morning: capture took place immediately. The course prescribed by the papers—which was that of the coast, St. Thomas's, and the Azores—was always adhered to when the weather would permit. Two guns, four-pounders each, are mounted on board; and there were three cutlasses, six muskets, one pistol, and a keg of ammunition. Found these arms on board, and does not know for what they were intended. 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. The owner of the vessel was one Fonseca, filho, or Fonseca junior, a Brazilian residing at Rio Janeiro. Does not know if he be married, or how long he has resided there. Knows nothing of a bill of sale, the price or transfer of the vessel. The owners and laders of the cargo were a variety of persons (four) residing at Rio, whose names witness does not recollect, except that of Fonseca, who was one of them. Fonseca was also consignee at Rio, and a person named Brown at the Azores. He knows nothing of the lading on the last voyage. The cargo on the present consisted of aguadente, farinha, salt fish, beans, rice, and wine. After capture, the vessel was carried to Cape Padron, at the mouth of the river Congo, and from thence 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. At Cabinda he left on shore, with other letters for different individuals, a letter of credit to Faustin, a Portuguese or Brazilian, from whom he was to receive freight. There was no charter party. He thinks, but is not certain, that the vessel is insured; does not believe the goods are. With respect to her employment in trade, the vessel was under the management of witness. Bulk was broken at Cabinda, and nowhere else during the voyage. No slave has been put or received on board, for the purpose of the traffic in slaves, during the voyage."

On the subject of equipment the master swore, that "the hatches are not fitted with open gratings; the combings of the hatchways are not pierced or otherwise fitted to receive iron bolts or bars, none of which are on board; there are two bulk-heads, those of the cabin and fore-castle, 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 are no shackles, bolts, or handcuffs on board; there are leaguers and casks on board capable of receiving 36 pipes of water in all, and they contained 14 pipes of fresh water at the time of capture, and were intended to carry water for emigrants from the Azores, who were to proceed in the vessel to Rio Janeiro; there were no tanks or staves; there were three or four mess kits for the use of the crew; there were no copper or iron boilers; there were 10 bags of rice, 30 of beans, and 100 of farinha. These were cargo, but they were to be retained as provisions for the emigrants at the option of the consignee at the Azores. There were besides 1 bag of rice, 3 of Indian corn, and 1 barrel of flour, for the use of the ship's company."

Jozé Bruno, the cook of the detained brig, stated at his examination that he was ignorant of the names of the owners of this vessel or her cargo, of the cause of her detention, and generally of the affairs of the vessel or the nature of the voyage in which she had been seized. He, however, confirmed the master's statements that the voyage began and was to end at Rio de Janeiro, and that cargo had been landed at Cabinda, whither she had gone direct.

Publication passed in the cause on the 22nd ultimo.

On the 24th ultimo the sworn report of the survey of the equipment of this vessel, which had been made at the instance of the captor's proctor, was received, and contained the following evidence. The surveyors found that this vessel had "close hatches such as are usual in merchant vessels; one bulk-head, dividing the cabin from the hold, and a wooden railing separating the hold from the fore-castle, which divisions are not more than are necessary for the vessel as a lawful trader, and no bunks or sleeping berths on deck; no spare planks or slave deck; no shackles, bolts, or handcuffs; a tier of leaguers laid fore and aft, of which the surveyors counted 36, which number alone would be capable of holding about 5500 gallons of water, a quantity far greater than is necessary for the consumption of the crew of the vessel as a merchant vessel. The actual quantity of water on board they were unable to ascertain. No mess-tubs or kids on board; a very large cabouse fitted to receive a boiler capable of holding about 60 gallons, with places made for the reception of five other small boilers. There was no false back, and no boilers were found. A puncheon of jerked beef, about 80 bags of farinha, and a quantity of calavances and rice strewed about the hold, formed an amount of provisions more than requisite for the use of the crew."

The monition issued on the 18th was returned on the 26th ultimo certified to have been properly executed; and on the 28th, a petition for a day of trial having been presented, the 1st instant was named for that purpose, and the Court accordingly assembled on that day.

In giving judgment the Court, after remarking on the peculiarity of this national vessel clearing from the capital of the empire with her principal official papers for the voyage furnished by a foreign consul resident there, proceeded to the examination of the evidence in support of the charge of the vessel having violated the provisions of the treaty between Great Britain and Brazil respecting the Slave Trade.

It appeared to have been clearly established by the evidence that this vessel was equipped with a great number of water-casks and a large boiler, which the witnesses declared were intended for the use of emigrants, who were to have been conveyed from the Azores to Rio de Janeiro.

The voyage to the Azores was to be made, according to some of the vessel's papers and the letters found on board, by way of the western coast of Africa; and with this assigned route she proceeded direct to Cabinda, in 6° south latitude, one of the most notorious slaving ports on the Coast of Africa, and there discharged a part of the cargo shipped for the Azores, according to the manifest and bills of lading. No part of the cargo had been embarked for Cabinda, notwithstanding which the ostensible owner of the vessel had written very full instructions respecting the landing of the goods at Cabinda, evidently to cloak the real object of the vessel's visit to that port.

The owner of the vessel, who professes in his instructions for the voyage to have a proper detestation of the Slave Trade, directs the greatest exertions to ensure dispatch in landing cargo at Cabinda, lest a suspicion should be caused of his vessel being concerned in the Slave Trade; and yet he avowedly runs the risk he desires to avoid by carrying merchandise to Cabinda, the freight of which he declares will not properly remunerate him.

The ship's papers and the evidence in the case established the following contradictions:—the cargo on board the brigantine was shipped for St. Thomas's and the Azores, according to the manifest and bills of lading; but, according to another and the latest official paper, it was destined entirely for Benguela. The instructions to the master described a portion of the cargo as intended for Cabinda, while the evidence of the master proved that what was actually landed at Cabinda formed part of the shipment for the Azores.

The master swore the owner of the brigantine had embarked part of the cargo, a statement which the papers plainly disproved. The witnesses proved that the vessel went direct to Cabinda, where, according to the ship's papers, she had no business, instead of St. Thomas's, where a large portion of the cargo was deliverable. Taking all these circumstances into consideration, together with the fact of its being the present practice to observe as much concealment as possible in carrying on the Brazilian Slave Trade, the Court declared its opinion that the alleged voyage to Azores for emigrants was a mere invention, there not being even a note on board for the person represented to be the consignee at that port, and whose duties would have been so important. The impression of the Court was, that the "*Claudina*" was to carry a cargo of slaves from one of the ports to the southward of the equator, and that the visit to Cabinda was proposed as an excuse for any British cruiser who might find her in the position she was met with. The charge of this vessel having been concerned at the time of seizure in the prohibited Slave Trade the Court therefore pronounced to have been proved, and declared the confiscation of the "*Claudina*" and her cargo.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

(Extract.)

No. 107.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 19, 1840.**(Received March 8, 1841.)*

WE have the honour to acquaint your Lordship, that on the 11th ultimo Her Majesty's sloop "*Fantôme*," Commander E. H. Butterfield, detained, in latitude 11° 40' south, and longitude 5° 20' east, the Brazilian brig "*Onze de Novembro*," Jozé Antonio Carvalho, master, in an ostensible voyage from Rio de Janeiro to the island of St. Thomas, on the equator, but actually proceeding direct to St. Paul de Loando.

The detained vessel was sent to this colony for prosecution before the British and Brazilian Mixed Commission, on a charge of being concerned in the Slave Trade; and, that charge having been clearly made out, she was pronounced to be a good and lawful prize by the said Court on the 11th of November instant.

Our report of this case we beg leave herewith to enclose.

This vessel was owned by Caetano Jozé Sanches de Lima, a resident of Rio de Janeiro; and the master of her described himself as a lieutenant of the Imperial Navy of Brazil.

Enclosure in No. 107.

*Report of the Case of the Brazilian Brig "Onze de Novembro," Jozé Antonio de Carvalho, Master.**Sierra Leone, November 19, 1840.*

THE following papers were found on board of this vessel at the time of her detention:—

1. Imperial passport dated Rio de Janeiro, 14th September, 1840, which describes this vessel to be

owned by Caetano José Sanches de Lima, a Brazilian subject, and bound on a voyage to St. Thomas's and the ports of Africa, under the command of José Antonio de Carvalho.

2. Muster-roll, dated September 14, 1840, states this vessel to have had 20 persons on board as a crew for the voyage above-mentioned. The Portuguese Vice-Consul Moniz has certified to this document having been signed by the proper Brazilian authorities.

3. Manifest of the cargo embarked in this vessel at Rio de Janeiro, and consigned according to the bills of lading to persons residing in St. Thomas's. A large portion of this cargo was composed of articles of slave provisions, there being on board no less than 200 bags of beans, and 44 cwt. of jerked beef. The remainder of the cargo was well assorted for the purchase of slaves, consisting of a large quantity of spirits, arms, ammunition, and bale goods. The following list contains the names of the parties concerned in this cargo.

<i>Shippers.</i>	<i>Consignees.</i>
Benito Rodrigues.	Pascoal Antonio.
Leocadia Maria Roza.	Francisco Ferreira.
José Pinto da Costa.	Himself.
Bartholoméo de Pilar Rede.	José da Gloria Machado.
Crispini Bonifacio.	André Bitancourt.
José Severino da Silva.	Chrisostimo Mamedi.
José Cosme Martins.	Manoel da Annuniação.
José Martins de Carvalho Guimaraens.	Luiz Ferro Dias.
José Antonio Lepes.	Manoel Mendes Partricio da Silva.
Joao Severino da Silva.	Bazilio Brandao and José Cosmé.
José de Morias Sarmento, and Joaquim Pedroza. }	Themselves.
Ambrosio Joaquim da Silva.	José Pereira Pacheco.
Antonio Fernandes Coelho.	José Pinheiro da Andrade.
Antonio Ferreira Coelho.	Francisco Franque.
Manoel José dos Santos, and José Bernardino de Sá. }	Jacinto Pereira Carniero.

The following manifest was signed by the master of the vessel, and certified by the Portuguese Vice-Consul on September 14th, 1840, to have been authenticated by the master's declaration, which had been made before him.

4. A second manifest, containing only a list of the total quantity of each description of goods on board, dated 14th September, 1840, signed by the master, and certified by the Portuguese Vice-Consul. This manifest was addressed officially to the officer of the Customs at St. Thomas's by the Consul.

5 and 6. Bills of health and receipt for port dues at Rio de Janeiro.

7. Bill of sale of the vessel. From this document it would appear that the "*Onze de Novembro*" was originally under the flag of Uruguay, with the name of "*Conservador*;" that on the 22nd of June, 1840, José Antonio Figueredo, junior, as the agent of Joaquim Gonçalves Ferreira, sold her to Gregorio Aguirre, who disposed of her, on the 20th of August following, to the owner named in the imperial passport.

The foregoing formed the official papers of the vessel for the present voyage, with the exception of a personal passport for Joaõ Antonio Soares, a Portuguese subject, who was proceeding to the Zaire.

The log-book of the vessel shows that she quitted Rio de Janeiro on the 18th of September, and had nearly reached, by a direct course, the port of Loando on the 11th of October last.

Of the remaining papers seized in this vessel it will be only necessary to allude to the owner's instructions for the voyage; to two letters from him to the consignees of the vessel at St. Thomas's and Angola; and to the fact of there having been found on board a packet of Rio newspapers addressed to the well-known Luis Antonio de Carvalho e Castro, at Loando, who was, in all probability, closely connected with the adventure of the brig; otherwise she would not have been found proceeding with all haste to the port of his residence, in preference to observing her official destination.

The instructions from the owner of the brig to her master, dated Rio de Janeiro, 15th September, 1840, desire him to proceed direct to the island of St. Thomas's, where he is consigned to Jacintho Pereira Cazemiro, for whom the writer encloses a letter, and who is to despatch the brig from that island to Angola, in which port Valeriano Ramos de Fonseca is to be the consignee of the vessel. After general directions respecting the wages of the crew and the management of the vessel, the owner observes that the agreement with the freighters of the cargo for St. Thomas's is, that they should supply a full cargo for the vessel from St. Thomas's to Angola, after which she is to return to Rio; and he then adds that "it must be understood that the said goods" (the cargo from St. Thomas's to Angola) "shall be fit and proper for this" (the Rio) "market; and that he" (the master) "is not to receive on board any other (cargo) on any pretence whatever, or persons as part of the crew being slaves," the Slave Trade being prohibited.

Such ambiguous and somewhat contradictory orders would not, we think, have been written by any owner whose vessel was going on a regular and lawful voyage; for the very fact of desiring the master to receive only such goods as may be adapted to a particular market, when those goods are to be shipped by persons over whom the master cannot possibly exercise control, and who are to pay freight for the same, warrants the conclusion that the instructions are fictitious.

The communication from the owner to Cazemiro (enclosed in the foregoing) related entirely to the affairs of the vessel and her voyage, and showed that she was to go direct from Rio to St. Thomas's.

The letter from the owner of the vessel to her consignee at Angola, V. R. da Fonseca, requested him to do all that was requisite for the vessel at that port, in the way of advancing money, &c., as well as in dispatching her thence to Rio. To this person the owner observed that he hoped he would "not on any account allow any one engaged in the brig to put slaves on board, since it was a trade most strictly prohibited in Brazil, and he did not wish his vessel thus to be compromised."

On the 1st instant the detained vessel arrived in this port, and on the following morning the circumstances connected with her seizure were reported to the Court by the Marshal.

Proceedings in prosecution of this vessel commenced before the British and Brazilian Mixed Commission Court on the 3rd instant, when the ship's papers, properly authenticated by the prize-officer's

affidavit, were, together with the seizor's declaration, filed; the usual monition issued, and the witnesses ordered for examination by the registrar on the standing and special interrogatories.

The declaration of Commander Butterfield, of Her Majesty's sloop "Fantôme," sets forth that on the 11th of October, 1840, being in or about 11° 40' south latitude, and 5° 20' east longitude, he had detained the brig "Onze de Novembro," sailing under Brazilian colours, commanded by José Antonio de Carvalho, who stated that she was bound from Rio de Janeiro to Loando and St. Thomas's; and that he had so detained her on account of her having a slave-deck laid from the mainmast aft, for having a greater number of water-casks and a larger quantity of farinha and beans than were requisite for the use of the crew of the vessel.

The master, at his examination on the 4th instant, deposed as follows:—That "he was born in Oporto; has lived during 28 years in Rio Janeiro. Is a subject of Brazil, and has been so since its independence, previous to which he was a subject of Portugal. Is married, and his wife lives at Oporto; his children with himself at Rio. He was appointed to the command and had possession given to him at Rio Janeiro in September last, by Don Caetano de tal Sanches, a subject of Brazil, residing at that place. First saw the vessel there and then; does not know where she was built. He was present at the capture; does not know why it took place. The vessel sailed under Brazilian colours, and there were besides a Portuguese ensign on board, and a flag marked with stars, but not American, both of them intended to be used as private signals. The vessel is called 'Onze de Novembro;' never heard of her bearing any other name. Thinks she is about 206 tons burthen, but is not certain. There were 17 officers and mariners exclusive of witness, all Brazilians, hired and shipped at Rio de Janeiro by a former master; witness does not know at what time. Neither he nor any of the officers or mariners had any interest in the vessel or her lading, except the mate and a seaman who were interested in the cargo to the extent of a few articles. Was master on board. There were two cabin passengers, one named Luis, a Brazilian, and the other a Portuguese, whose name is unknown to witness; both taken on board at Rio Janeiro when the vessel sailed from thence, and destined, Luis to St. Thomas's, and the Portuguese to Angola; but witness does not know in either case on what business nor what was the profession of either; neither of them had any interest or authority in or over the vessel or her lading. The voyage began and was to end at Rio Janeiro, which was the last clearing port. The vessel had touched nowhere during the voyage. The capturing ship was first seen in latitude 11° 46' or 56' south, and longitude 6° east of the meridian of Greenwich, on the 11th of the month ultimo, at 3 o'clock in the evening. Capture took place within two hours. The vessel was steering for San Paolo de Loando at the time; the course was not altered nor any additional sail made. The course prescribed by the papers was for St. Thomas's and the Coast; but witness found it would be more convenient to proceed to the Coast first, and deliver his letters and arrange for his cargo. No guns are mounted on board. Thinks there was one cutlass, but there were no other arms nor any ammunition. There were no instructions for endeavouring to avoid capture or for destroying or withholding the vessel's papers. Caetano de tal Sanches, from whom witness received command and possession, was sole owner of the vessel; does not know if he be married; he was born in Rio Janeiro. A bill of sale was made in favour of this owner; but witness does not know by whom, when, or in whose presence. Last saw this instrument among the other papers at Rio Janeiro. Does not know what was the price, or if it be paid, or if the transfer was a true one. A previous master, in whose stead witness was appointed in consequence of his indisposition, was the lader of the cargo. Does not know who were its owners or consignees at Rio Janeiro. The consignee at Loando was one Valeriano Ramos de Fongeca, and at St. Thomas's a person named Jacintho (Pereira Cazemiro). He knows nothing of the lading of the last voyage. The present cargo consists of dry goods, aguardiente, jerked beef, beans, farinha, muskets, and gunpowder. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are 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. The vessel with respect to her employment in trade was to be under the direction of the consignees at Loando and St. Thomas's. Bulk was nowhere broken during the voyage. The hatches are not fitted with open gratings. He does not know if the coamings of the hatchways be pierced or otherwise, because the hatches were shut down when he took charge, and have not been opened since; believes they are not. There are no bars on board fit for securing them. There are three bulk-heads, those of the cabin, store-room, and fore-castle. There are four bunks or sleeping berths on deck. There are from a dozen to a dozen and a half of spare planks on board, for stowage of the cargo, not numbered or fitted to any part of the vessel, and the dimensions of which witness cannot state, never having seen them. No part of a second deck is laid. There are no shackles, bolts, or handcuffs on board. There are leaguers and casks on board capable of receiving 18 or 19 pipes of water in all—a quantity not more than sufficient for the consumption of the crew; and about one-half of this quantity of fresh water was contained in them at the time of capture. There are no tanks or staves. There were a few mess-tins for use of the crew; there were no large copper or iron boilers. There were 4 or 5 bags of rice, a few bags of farinha, and a few of beans, with 3 or 4 half-barrels of flour for the use of the crew. No Indian corn."

The testimony of Manoel de Souza d'Avellary, the mate of this vessel, was generally confirmatory of that of the master; but on some points connected with the papers of the vessel he professed to be ignorant. This witness contradicted the master on two points: first, by stating that the brig had not observed her destination mentioned in the official papers in consequence of the orders of the owner; whereas the master declared he had acted on his own authority in this respect; and, secondly, by stating that the provisions conveyed on board the capturing ship were so removed from the prize with the permission of the master.

The report of the Surveyors appointed to examine this vessel's equipment stated that there was one division in the hold more than was necessary for her as a lawful trader, in addition to having four extra sleeping berths on deck, such as are usual in slave-vessels. That there was a woman's slave-room formed by the extra division above alluded to, in which was a new-laid deck, upon which the height was only 38 inches. There were 4 leaguers and 13 other water-casks on board, together equal to containing 2600 gallons of water; a quantity which they considered was more than necessary for the use of the crew. And there were also four mess-kids more than the crew required, as well as a quantity of farinha in bulk, and some calavances.

This closed the proceedings in prosecution of the "Onze de Novembro;" and the monition issued in

the case on the 3rd having been returned into Court duly certified by the Marshal on the 10th instant, the following day was named for the trial of this vessel, when the Court, considering the illegal equipment for, and engagement in, a slaving voyage to have been plainly established, decreed the confiscation of this vessel and her cargo.

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

No. 108.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.

(Received March 8, 1841.)

MY LORD,

IN our Despatch of the 19th instant we had the honour to inform your Lordship of the condemnation of the Brazilian brig "*Onze de Novembro*," for having been concerned in the Slave Trade, and we now again refer to the case of that vessel in consequence of the late master of her having tendered his protest against the proceedings adopted in this instance, and the probability of complaint in some form reaching your Lordship; in the event of which your Lordship will have before you the grounds upon which objections have, up to the present moment, been taken by the master of this vessel, and our explanations thereon.

Accordingly we beg leave to enclose herewith a translation of the protest of the master of the said vessel, the original of which we did not of course allow to be filed in the British and Brazilian Mixed Commission Court, but returned to the master on the translation placing us in possession of the real nature of the document. In this paper your Lordship will find our remarks upon those complaints and objections of the master of this vessel to which we have had the means of replying, and which appeared to us of a character to call for explanation.

We have, &c.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

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

Enclosure in No. 108.

Substance of the Translation of a Protest addressed on the 6th of November, 1840, "to the Commissioners of the Mixed Courts," by the late master of the Brazilian brig "Onze de Novembro," José Antonio Carvalho, who had described himself as a Lieutenant in the Imperial Navy of Brazil, with the remarks of Her Majesty's Commissioners thereupon.

Sierra Leone, November 19, 1840.

THE protest, after setting forth correctly the place and time of capture by Her Majesty's sloop "*Fantôme*," and the determination of the said master to have justice done in the case, in the event of her being declared good prize by the British and Brazilian Mixed Court at Sierra Leone, by appealing in a legal form to Her Majesty's Government, assigns the following grounds of complaint and objection to seizure, prosecution, or condemnation of this vessel.

1. "That the Commander of the '*Fantôme*' took possession of the lawful despatches of the Imperial Government, which were on board the '*Onze de Novembro*,' without finding any article of equipment which might indicate her engagement in contraband trade."

2. "That at the time of seizure the British sailors smoked their pipes on board the brig, broke open casks, and otherwise injured his cargo, and conveyed several articles to the capturing ship, of which he has a correct list taken the same day."

CLASS A.

1. No despatches belonging to the Imperial Government of Brazil appear to have been found on board of this vessel. There were three letters given up by the master to Lieutenant Cooper, the boarding officer, and these formed the whole of the correspondence seized. Two of the letters in question were those described in the report of this case as the owner's letters to the brig's consignees at the Island of St. Thomas's and Angola. The third letter was an official one addressed to the chief officer of the Custom House at St. Thomas's by the Portuguese Vice-Consul at Rio, and is described as ship's paper, No. 4, in the report of this case.

2. Charges of this kind come badly from the master on the 6th of November, when on the previous 4th he had deliberately sworn, in answer to the standing interrogatory respecting the proceedings at the time of capture, that some twine

3. "That on the voyage to Sierra Leone he was deprived of his authority on board, and of the possession of his nautical instruments, books, and papers."

4. "That when the detained brig was entering the port of Sierra Leone, the prize-officer transhipped to Her Majesty's brig 'Rolla,' five of the prize crew for passage to Ascension, one of whom he desired to tell the Commander of the 'Fantôme,' that he (the prize-officer) was perfectly satisfied of the 'Onze de Novembro' being a good prize."

5. "That the detained brig arrived here on the 1st, but the detained crew were not allowed to land until the 4th of November instant, and then not permitted to carry their luggage with them."

6. "That after waiting some hours on shore the luggage of the detained crew was landed, when several articles of apparel were found to be missing, and their nautical instruments, books, &c."

7. "That a vessel met at sea with proper papers, without an equipment to indicate an illegal voyage, should be thus hindered, it ought to be directed that all who have charge of a vessel under such circumstances should hold such vessel and property sacred, until a proper and competent

and provisions only had been removed. The provisions were, as appeared by the evidence in the case, taken with the consent of the master for the use of that part of the crew of the "Onze de Novembro" and her passenger, who were removed to the capturing ship to be landed on the African coast. This is a usual practice to avoid the expense of their maintenance falling upon the capturing ship. Whether in this instance more provisions than necessary for the purpose mentioned were taken, we are unable to form an opinion, as the captors give no account of such proceedings on their part. As to the charge of the "Fantôme's" crew having broken open casks, &c., the officers of the Court have reported to us that the only package of the cargo which was not landed here entire, was a small case of printed calico.

3. Nautical books and instruments, as well as charts, are always seized with the other equipment of the detained vessel, and sold for the profit of the two governments in the event of condemnation.

5. On the 4th of November the master and mate were brought on shore in charge of a petty officer of the prize crew to be examined by the Registrar, by whom they were necessarily detained at his office some hours, and previously to which examination it is the practice, and a very useful one in preventing fraud and imposition on the Court, not to allow the detained crew to have communication with the shore. Were the prize-officers more strict in enforcing this regulation greater advantages would result, and many deprivations of stores and cargo be prevented.

6. See remarks on charges Nos. 3, 5, and 8. Respecting the missing articles of apparel the prize-officer explained in an affidavit of the 18th of November, that he had examined the trunks of the detained crew whilst they were absent on shore at the Mixed Commission Court-house, and that the Marshal of the Courts had very improperly deviated from his duty, and been a party to this highly irregular proceeding. The prize-officer further stated that he fastened up the luggage after its examination, and that shortly afterwards whilst he was engaged delivering over to the Marshal the detained vessel and her cargo the master's son and the cook came on board, and at their request the said luggage was delivered up to them for conveyance on shore. The prize-officer also swore that nothing could have been removed without his knowledge from the luggage of the detained crew, and that nothing was so removed to the best of his knowledge and belief.

As the Marshal had implicated himself in these proceedings by adopting a course of conduct directly at variance with his orders, and being unable to make a satisfactory refutation of this charge of loss, supported as it was by the oaths of the four parties concerned, he was called upon to arrange the matter with the complainants which he has accordingly done.

tribunal shall have taken cognizance and decided upon the evidence respecting such vessel, and not defraud, waste, and convey away articles which belong to her, though they may be able to pay for these deficiencies in the event of the said vessel not being condemned as a good prize, as until the evidence is decided upon she is but a detained vessel. The Commission, however, are not in the habit of listening to anything further than immediately that a vessel arrives at this anchorage sent in by an English Commander for adjudication, the said vessel is considered as being destined on a contraband voyage and a good prize, whether or not there is proof to this effect."

8. "That when the vessel arrived here there did not exist any visible cause to afford suspicion of her voyage, and the undersigned ought to have been allowed to apply for his discharge at once as the responsible person."

9. "That not finding here a Consul of his own nation to whom he could apply for redress and restoration of his vessel and cargo, and not having the pecuniary means to employ a person to defend the cause, he hereby adopts this mode of defence, and declares that this representation shall be considered of the same effect, and accordingly abandons the said vessel and cargo, and everything else belonging to her, leaving them hereafter to be reclaimed by those to whom they may belong."

10. "That lastly, from the utter destruction and violence offered to this brig, it would not appear difficult to surmise that the English Government will, by such measures, bring on an open war of destruction with the Brazilian Empire, which purpose cannot be hidden from the said Government, and before long they will be obliged to acknowledge it."

The original protest was written in the Portuguese language, and handed in at the Registry Office of the Mixed Commissions on the 7th November, 1840, by the said master. On the nature of this document being ascertained from the translation of it which was made, the original was returned to the said master, it being contrary to the practice of the several Mixed Courts in this colony to admit protests against their proceedings to appear among the records of the Courts.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

No. 109.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.

(Received March 8, 1841.)

MY LORD,

IN this Despatch we have the honour to enclose our report of the case of the Brazilian schooner "*Gratidão*," Joaquim Antonio Brandão, master, condemned for being unlawfully equipped for the Slave Trade, in contravention of the first article of the Brazilian Convention of 1826.

Destined, by her ship's papers, to Fayal in the Western Islands, this vessel nevertheless, on leaving Bahia on the 6th of September, sailed direct to the Bight of Benin, where Her Majesty's sloop "*Wolverene*," Commander William Tucker (*b*), seized her off Prampram.

The prosecution commenced on the 7th and ended on the 16th of November, 1840, when the captor's allegations of carrying illegal fittings having been fully established, as stated at length in our Report, the Court condemned the "*Gratidão*" and her cargo.

We have, &c.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 109.

Report of the Case of the Brazilian Schooner "Gratidão," Joaquim Antonio Brandão, Master.

Sierra Leone, November 30th, 1840.

THE "*Gratidão*," at the time of her seizure, was found sailing with the under-mentioned Official Papers on board:—

1. Imperial Passport, dated Bahia, 4th March, 1840, which described this vessel to be owned by Bernardino Barbosa Pereira Lisboa, a resident of Maragogipe Grande; and Marcellino Martins Carneiro, master; American built, and of the burthen of 77 tons.

2. Muster-roll of this vessel's crew of 15 persons, dated 4th September, 1840; and stating her destination to be Fayal, Western Islands.

3 to 5. Receipts from the Custom-house.

6. Bill of health.

7. Fort-pass.

8 to 13. Personal passports for José Ozorio, Gaspar Maria da Silva, José Joaquim Monteiro, and Damião d'Oliveira Pinto, Portuguese subjects; for a Spaniard named José Vicente d'Oliveira, and for Tobias Barretto Brandão, a naturalized Brazilian subject; all of whom are described as passengers in this vessel, and destined for the Azores. To the passport of Brandão, who is a free negro, there is a police certificate stating that he has leave to embark in the schooner of João da Costa, junior; and as he sailed in this vessel immediately after the granting of this permission, it seems probable that the well-known João da Costa, junior, is concerned in her.

The vessel's log-book shows that, on leaving Bahia on the 6th of September, she proceeded at once, and in the usual direct course, to the Bight of Benin, where she was captured on the 13th of October ultimo.

The papers seized on board of this vessel were unusually numerous, being 180 in number; their contents did not, however, prove of that interest which is usually found to be the case, notwithstanding that there were no less than 46 private letters among them.

The papers in question, however, served to show that the passenger, Tobias Barretto Brandão, had been for the last 2 years deeply engaged in the Slave Trade at the several slave ports in the Bight of Benin; and that, in carrying on that traffic at Agui, he had been assisted by Elias Domingos de Carvalho, Antonio Caetano Coelho, Seça Medair, Joaquim d'Almeida, and Antonio Verra dos Santos.

A letter, dated Bahia, 6th September, 1840, from Isidore José Marquis to João Antonio de Rego, of Whydah, shows the connexion of both parties with the Slave Trade.

The foregoing documents, with the following instructions for carrying on the Slave Trade in the Bight of Benin, are all that we think it necessary to refer to. The instructions in question we have considered worthy of being quoted, as affording a partial insight into the manner in which the Slave Trade has lately been and is still conducted on that part of the coast.

"Instructions respecting the trade between Popo and Onim (Lagos) by Señor José Maria Lopez, a resident on the Coast of Africa for some years. Between Popo and Onim (Lagos) there is little or no difference in the value of a demijohn. At Ajudah (Whydah), Porto Novo, Badagry, and Adjudin, the ounce or doubloon (a name more generally known) is taken at 16 bottles, whereas at Onim (Lagos) it goes for 18.

"A small demijohn, though it may hold 20 bottles, is but an ounce. In the trade on the Coast the article of spirits is most indispensable, either rum or Spanish brandy; a case of gin, containing 12 bottles, is valued at a doubloon or ounce. The most ordinary of these spirits is desirable, and the stronger the better; large quantities are always given away as presents.

"Goods and every other article are sold in the proportion of an ounce, and are equal in value from Popo to Onim. The ounce of goods is very uncertain as to quantity and quality, although a piece of madapollam of cotton, striped calico, baft, or a piece of any other kind of goods, white or coloured, bear the same value, provided they measure from 16 to 20 yards; a piece of common handkerchiefs of 15, a piece of coloured containing 10, a piece of red containing 12, others of a common kind from 15 to 16, all are at the current rate of an ounce. In general all goods in the piece or in handkerchiefs, white or ordinary colours, are also at this price; a barrel of powder of 12½ lbs. (they are from 25 to 37½ lbs.); 2 bars of iron, ——— pounds more or less, valued an ounce; one roll of Bahia tobacco, 2 of which in the purchase of bales (slaves) is considered an ounce; a case with gilt bottles filled with spirits, 2 ounces; a musket, an ounce; beads have no certain price. The value of the dollar is not known, neither have they any idea of the measure of corn or beans; the sack of 4 bushels may be had at various prices, and according to circumstances. Up the country there is yet much less knowledge of the value of money; the only currency is a small white shell, the same as are called in India cowries. They bear the following relative value:—40 cowries 1 toque, 5 toques 1 fowl (or 200 cowries), 10 fowls 1 small head, 4 large heads 1 ounce, and 80 fowls or 16,000 cowries one ounce. Those who trade on the Coast of Africa value an ounce of cowries at 8 Spanish dollars.

"Large quantities of cowries should always be procured, as the inhabitants prefer them, and esteem them even of greater value than gold, consequently they always command advantageous markets; 2½ ounces of cowries weigh 3½ arrobas, or 1 cwt. English; an ounce of goods, spirits, &c. sold between Popo and Lagos will not realize an ounce of cowries, neither will a roll or ounce of Bahia tobacco, which, though valued at an ounce elsewhere, is estimated at 2 ounces of cowries at some places; the ounce of cowries is far more desirable in barter than anything else, always giving the usual proportion of other articles. Tobacco, in a good state of preservation, is always esteemed a staple commodity, and will always be found indispensable in the purchase of slaves from Whydah to Lagos. The ounce of tobacco, goods, and spirits, preserves the same value whether in the purchase of slaves, palm-oil, or provisions; the value of the ounce, in whatever description of goods, is always estimated at 8 dollars. From Whydah to Adjudin an ounce of palm-oil is equal to 20 gallons English, but they also sell it by retail in pots; at Lagos it is excessively dear. To the people of the interior you sell all descriptions of goods (excepting handkerchiefs) by the fathom; iron by the palm, bare measure, which is valued 1 'fowl' in cowries; a bottle of spirits sells for 2 'fowls' of cowries, and 1 flask of powder 6 'fowls' in cowries. From Popo to Accra the measure of spirits and goods is the same; the English measure by the gallon, and sell goods for Spanish dollars. From Onim to Eastward they are excessively ignorant and malicious, with a very few exceptions."

The detained vessel arrived in this harbour on Saturday the 7th November inst., and was immediately reported to the Court by the Marshal; and, on the following Monday, the filing of the ship's papers, with the captor's declaration and affidavit of seizure, took place, the usual monition was issued, and the witnesses in preparatory were produced and ordered for examination by the Registrar.

The declaration of the Seizer in this case was as follows:—"I, William Tucker (b), Esquire, Commander of Her Britannic Majesty's sloop 'Wolverene,' hereby declare, that on this 14th day of October, 1840, I detained off Prampram, in latitude 3° 58' north, and longitude 0° 3' east, after a chase of 10 hours from off the River Volta, the schooner named the 'Gratidão,' sailing under Bra-

zilian colours, commanded by Joaquim Antonio Brandão, who declared her to be bound from Bahia to Fayal, in the Western Islands, with a crew consisting of 15 men and 7 passengers.

“ That the said vessel is detained by me for being fully equipped for the Slave Trade, and completely ready for the embarkation of slaves ; having her hold stowed with leaguers and other casks filled with fresh water, and more than is required for a licit trader, levelled with a great quantity of fire-wood, with a quantity of mats to lay over all for the slaves.

“ Having her hatchways fitted with holes for bars to confine slaves, having a quantity of tins and spoons for feeding slaves ; a set of slave-coppers, a large quantity of farinha, rice, calavances, and jerked beef not in her manifest, and more than is required for a licit trader.

“ Having more bulkheads than are customary in a licit trader, and having irons for branding and searing slaves.”

On the 11th instant the Master of this vessel was examined on the standing and special interrogatories, and deposed That “ he was born in Lisbon, and has lived 22 years in Brazil. Has been a subject of Brazil since the independence of that empire ; was previously a subject of Portugal, and has never been a subject of any other state or power. Is not married. He was appointed to the command and had possession given to him at Bahia, in the month of September last, by Bernardino Barboza, a subject of Brazil residing at Bahia. First saw the vessel there and then ; does not know where she was built. He was present at the capture ; does not know why it took place. The vessel sailed under Brazilian colours, and there were, besides, a Portuguese and a Montevidean flag on board, witness does not know for what purpose ; he found them when he took charge. The vessel is called the ‘ *Gratidão* ;’ never heard of her bearing any other name. Does not know her tonnage. There were 12 or 13 officers and mariners, exclusive of witness, all Brazilians, hired and shipped by witness at Bahia in the month of September last. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There were 5 cabin passengers, with none of whose names witness is acquainted ; some of them were Brazilians and some Portuguese, and all traders, taken on board at Bahia when the vessel sailed from thence, and destined to Fayal, Azores, witness does not know on what business ; none of them had any interest or authority in or over the vessel or her lading. The voyage began and was to end at Bahia, which was the last port of clearance. The vessel touched nowhere during the voyage. The capturing ship was first seen off Cape St. Paul’s, and in sight of land, on the 11th ultimo at break of day. Chase took place immediately, and capture at 5 o’clock in the evening. Was steering for Fayal at the time ; the course was altered and all sail made ; the course prescribed by the papers had always been adhered to when the weather would permit. No guns are mounted on board, nor were there any arms of any description or ammunition. There were no instructions for endeavouring to avoid capture. Bernardino Barboza (Pereira Lisboa), from whom witness received command and possession, was the sole owner of the vessel ; does not know if he be married ; he was born at Bahia. He (witness) knows nothing of bill of sale, price, or transfer of the vessel ; the owner of the vessel was the sole lader, owner, and consignee of the cargo. He does not know what was the lading on the last voyage ; her present cargo consists of rice, farinha, and beans. 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 his own direction ; bulk was nowhere broken during the voyage. The hatches are not fitted with open gratings ; the coamings of the hatchways have been pierced to receive iron bars, but the holes are now plugged up ; 10 or 12 round iron bars are on board, neither intended nor fit for securing the hatches, for which purpose they are too short. There are 3 bulkheads, those of the cabin, store-room, and fore-castle ; 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 leaguers and casks on board capable of receiving 50 pipes of water in all, and, with the exception of 3, all filled with fresh water at the time of capture. This voyage was to be a long one, and he wished to carry water for the return-voyage, in order to avoid the trouble of procuring it on the coast. There were 18 or 20 mess-tins for the use of the crew, and of emigrants, if she should be able to procure any, from Fayal ; there were no copper or iron boilers ; there was no flour or Indian corn on board, nor any rice or farinha but what was cargo, which, however, the crew freely used.”

Luiz Carvalho, the cook of this vessel, was the second witness examined. His evidence confirmed that given by the master in respect to the ownership of the vessel, her colours, bill of sale, and cargo ; and that the voyage began and was to have ended at Bahia. The cook, however, differed with the master on some points. He stated that he believed the schooner’s detention to have taken place in consequence of her having articles on board which are used for slaves ; that there were 7 Portuguese passengers on board destined for Porto Novo and Whydah, to trade there ; that at the time of seizure the vessel was steering for Whydah ; that there were on board 15 hatch-bars fit for securing the hatches ; 30 mess-tins, of the use of which the witness professed to be ignorant ; and also 5 or 6 bags of rice, 10 of farinha, and 4 of Indian corn, for the use of the crew. This witness further testified that the slave-deck belonging to this vessel had been left behind at Bahia, and that during the chase which preceded capture a large copper boiler was thrown overboard.

Publication was granted on the 12th instant.

The sworn report of the officers of the Court, appointed at the instance of the captor’s proctor to examine the equipment of this vessel, was received on the 14th instant, and established the following points :—That the coamings of the main-hatch are bored for hatch-bars, of which two were found on board. There is a steerage bulk-head on board, which is unnecessary for this vessel as a lawful trader, and evidently forms the cabin for female slaves, the deck being laid for their reception. In the main-hold the water-casks are covered with mats, which might be made to serve the purpose of a slave-deck. There are on board 8 leaguers and 6 other casks capable of containing 1960 gallons of water. The water-casks the surveyors could not get at to examine properly from the crowded state of the hold, which permitted them only to form an estimate of the whole number, which they declared to be 40. There are 26 mess-tins on board (a greater quantity than is necessary for the crew), and 3 tubs of a particular kind never used or indeed found in any other than slave-vessels. The cabouse is so formed of wood-work, with a brick lining, as to admit of two boilers being placed over the fire by removing the top ; and a very large and unnecessary quantity of farinha, beans, rice, and jerked beef.

The monition issued on the 9th was returned certified to have been duly executed on the 16th

instant, on which day the British and Brazilian Court of Mixed Commission met for the adjudication of this case, and pronounced a sentence of condemnation upon the schooner "*Gratidão*" and her cargo on the very clear evidence above-mentioned.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

No. 110.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 30, 1840.*

MY LORD,

(Received March 8, 1841.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 22nd August last, acquainting us that His Imperial Majesty the Emperor of Brazil had appointed Mr. Hermenegildo Frederick Nitheroy His Imperial Majesty's Commissioner of Arbitration in the Mixed British and Brazilian Court of Commission established here, and desiring us to receive Mr. Nitheroy as our colleague in that Court, upon his going through the accustomed form of admission to the office to which he has been appointed.

We shall not fail to observe your Lordship's directions respecting Mr. Nitheroy whenever that gentleman may present himself at his post.

We have, &c.

(Signed)

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

No. 111.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 10, 1840.*

MY LORD,

(Received March 8, 1841.)

THE case of the brigantine "*Emilia*," alias "*Flor de Rio*," João Jozé de Santa Anna, master, resembles, as your Lordship will perceive by the enclosed Report, others recently reported by us of a real Brazilian nationality, attempted to be covered by Portuguese papers, issued by the Consular functionaries of that nation resident in Brazil, for Slave Trading speculations. In this instance all the ship's papers had been issued by the Portuguese Consuls, with the single exception of the passport obtained at Angola on the 6th of October, 1838.

João Machado Cardozo and Jozé Vieira Pimenta, junior, both Brazilian subjects from residence, shipped the cargo at St. Catherine's, near Rio de Janeiro, in July 1840; and the first mate, Joao Pedro Ferreira, in conjunction with Antonio Rodrigues Chaves, appeared as the ostensible consignees. Cardozo, too, was declared to be the sole owner of the vessel by both master and cook, and as having been for a long time a resident of Rio; added to which, the course of trade was essentially Brazilian, being from Rio to the African coast and back again to the first-named place.

The "*Emilia*" left Rio de Janeiro on the 1st of July, 1840, and after tarrying upwards of a month at Rio San Francisco, pursued her course to St. Thomas's, and eventually anchored in the Gaboon on the 1st of October. On the 9th of the following month the boats of Her Majesty's sloop "*Wolverene*" seized this vessel, having found her with fittings improper for a licit trader.

The prosecution of the "*Emilia*" commenced on the 30th of November, and terminated in condemnation on the 9th instant.

In two letters found on board of the "*Emilia*," the seizure of a vessel which, as far as we can form an opinion, can be no other than the Portuguese brigantine "*Providencia*," taken by the Brazilian man-of-war "*Constança*" off Pernambuco, in August last, the fraudulent system pursued by Brazilian merchants of "having all the papers Portuguese," and proof that the "house" (parties owning the vessel) "is also Portuguese," has been disclosed. The person addressed is Major Manoel Gomez da Silva, of Prince's, and the writers are

Francisco Xavier Marianno and Nicolão da Silva Chagas; the latter either sole or part owner of the vessel or her cargo, and the former apparently supercargo of the vessel in question. A fuller detail of the facts connected with this vessel will be found in our Report, and may serve, if, indeed, she can be identified with the "*Providencia*," to render more complete the history of the proceedings regarding her, as given in Class B., 1839, pp. 351, 352, and Class A., p. 291, of the Parliamentary Papers.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

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

Enclosure in No. 111.

Report of the Case of the Brigantine "Emilia," alias "Flor de Rio," João Jozé de Santa Anna, Master.

Sierra Leone, December 14th, 1840.

THE following papers were found on board of this vessel at the time of her seizure:—

1. A Portuguese passport issued by the Governor-General of Angola on the 6th October, 1838, to José da Costa Torres, the owner of the brigantine "*Flor de Rio*," bound to Mozambique, with leave to call at Rio de Janeiro. Upon this document there is an indorsement under the hand and seal of office of the Portuguese Vice-Consul, Montiz, dated Rio, 27th June, 1840, granting permission to this vessel to proceed to St. Catherine's, St. Thomas's, and Prince's Islands, and stating that the pass is only valid until she reaches one of those Portuguese islands. The certificate then briefly states that "This brigantine is now called '*Emilia*,' and is accordingly despatched for the ports above-mentioned."

2. Muster-roll dated Rio de Janeiro, 30th June, 1840, and authenticated by the Portuguese Vice-Consul, which states the vessel's destination in the same terms as the passport, and that she is navigated by 16 persons in all, 4 of whom were slaves, 3 belonging to João Machado Cardozo, and 1 to Antonio Gonçalves da Luz.

3. Muster-roll dated the 8th July, 1840, at the Island of St. Catherine's, Brazil, and signed by Jozé Gonçalves dos Santos, the Portuguese Consul at that port. This document differs in no respect from No. 2.

4. Bill of health.

5. Manifest of the cargo prepared by the master of the vessel, who made an official declaration as to its correctness before the said Consul at the Island of St. Catherine's on the 8th July, 1840. The shippers were João Machado Cardozo and Jozé Vieira Pimenta, junior, and the goods embarked by them were of the ordinary kind found on board such vessels, and were ostensibly consigned jointly to João Pedro Ferreira, who appears in the muster-roll as first mate, and Antonio Rodrigues Chaves, for whom there was no letter on board, and whose name is only mentioned here and in the owners' instructions to the master.

6. A copy of the manifest of the cargo with which this vessel left St. Catherine's, addressed officially by the Portuguese Consul at that island to the chief of the custom-house at St. Thomas's and Prince's. This document agrees with the manifest above alluded to, No. 5.

7. Protest of the master of the vessel before a notary-public at Rio de San Francisco, Brazil, on the 14th July, 1840, stating the fact of his having been compelled by stress of weather to visit that place.

8. Log-book of the vessel's voyage kept by the first mate, João Pedro Ferreira. This document shows that the brigantine left Rio de Janeiro on the 1st July, 1840, and arrived at St. Catherine's on the following 4th July, to which place the vessel carried government stores from Rio. The brigantine left St. Catherine's on the 9th July, and on the following day the stress of weather, alluded to in the protest above-mentioned as the cause of their visit to the river St. Francisco, was encountered. It would, however, seem that other causes led this vessel to the port mentioned, as the log gives no account of the proceedings there, although they had remained upwards of a month, when the vessel proceeded on her ostensible voyage to St. Thomas's, which island was made on the 28th September, and quitted two days afterwards for the River Gaboon, where the brigantine anchored on the 1st October last.

9. Log-book kept by the second mate of this vessel, who describes her as the "*Flor de Rio*," whilst the first mate has adopted the new name of "*Emilia*." This log differs in no material point from the first mate's.

10. The instructions of Messrs. Jozé Vieira Pimenta, junior, and Jozé Machado Cardozo to the master of this vessel bore date at Rio de St. Francisco on the 30th June, 1840, and informed him that the cargo which they had shipped was to be delivered either at St. Thomas's or Prince's to João Pedro Ferreira, or his substitute, Antonio Rodrigues Chaves. The consignees had the power to send the vessel and cargo elsewhere if they thought fit, and they were to provide the return cargo for the vessel. In the event of any accident happening, the master is instructed to be very careful in making his protest, so as to avoid all question with the insurers; and is directed not to receive any other slaves on board than those named in the muster-roll.

In addition to the foregoing there were 19 other papers and letters seized, two only of which proved of any interest.

The two letters above alluded to were addressed to Major Manoel Gomez da Silva, one of the Junta of Government of the Islands of St. Thomas' and Prince's, one by Jozé Francisco Xavier Marianno, dated Rio de Janeiro, the 20th June, 1840, and the other by Nicolão Jozé da Silva Chagas, of the same place and dated the same day. These communications principally referred to the seizure of a

vessel at or near Pernambuco, of which vessel or her cargo Gomez da Silva was either part or entire owner, and Marianno apparently supercargo. The cruiser by which this vessel had been detained was the Brazilian brig of war "*Constança*," the commander of which conducted his prize into Pernambuco, where she was adjudicated by the ordinary tribunals of that province and was acquitted. It would seem from the letter written by Chagas that his name had been used in court to represent the claimant of this vessel, as he speaks of a decision in his favour. That his case had been taken up by the Portuguese minister, and he was to receive 6000 dollars to cover all expenses. This sum will not, he says, cover the losses sustained between the 25th October, 1839, and the 20th June, 1840, which already amounted to from 20 to 22 contos of reis. Chagas anticipated that the business could not be finally settled before September at the earliest, and expressed his determination to go to Pernambuco and ascertain the real state of affairs, and perhaps ultimately to Lisbon, whence he had learned, he stated, that the Portuguese ministers have resolved to put off giving the decision, at which it would seem they had in some measure arrived, in respect to this vessel. Chagas added that he had to render an account to the Portuguese ministers at Rio of the expenses and damages sustained in this instance, and to whom "*all the papers which are Portuguese*" are to be exhibited, and proof afforded "*that the house is also Portuguese*." Chagas notified to Gomez da Silva that the power of attorney which he had sent to Pernambuco to Senhor Azevedo had been duly received; from which fact we think may be derived the corroboration of our opinion, that Gomez was interested in the adventure of the vessel above alluded to.

The omission of names and dates, and the very obscure wording of the letter of Chagas, have prevented our arriving at clear and positive conclusions. We are, however, of opinion that the vessel referred to in this correspondence was the Portuguese brigantine "*Providencia*," seized by the Brazilian brig of war "*Constança*" off Pernambuco about July or August last, and which has been mentioned in the printed parliamentary papers on Slave Trade for the year 1839, at pages 351, 352, of Class B., and page 291, Class A.

The following other names appear in the correspondence in connexion with Chagas and Gomez da Silva, viz. Senhor Almeida, of Benguela; João Gomez Netto and Co., and José Dias de Silva and Co., of Rio de Janeiro; Caetano José Dias, and José de Castro Rezo Mattos, of St. Thomas's; and João Borges da Silva, and Venislão Baptista Gonzales, of Prince's Island.

The arrival of the "*Emilia*" in this harbour on the evening of the 28th of November, 1840, was duly reported by the Marshal to the courts together with the facts of seizure, and on the following Monday, the 30th, the case was presented to the British and Brazilian Court for trial.

The filing of the captor's declaration and of the vessel's papers, which latter had been properly authenticated by the prize-officer, then took place; the usual monition was issued, and the witnesses produced were ordered for examination.

The seizer's declaration was as follows:—"I, William Tucker (*b*), Esquire, commander of Her Britannic Majesty's sloop '*Wolverene*,' hereby declare that, on this 9th day of November, 1840, Lieutenant Henry Dumaresq, in charge of the boats of the sloop under my command, detained at anchor in the River Gaboon the vessel named the '*Emilia*,' sailing under Portuguese colours, armed with two guns (6-pounders), commanded by João José de Santa Anna, who declared her to be bound from Rio de Janeiro and St. Catherine's to St. Thomas's and Prince's, with a crew consisting of 15 men.

"That the said vessel is detained by me for being equipped for and engaged in the Slave Trade, having a greater quantity of leaguers and water-casks than are requisite for a licit trader without having a certificate that they are for palm-oil, part of which are filled with fresh water; having a much larger hatchway than usual in merchant vessels engaged in a licit trade, and a greater quantity of farinha, calavances, and rice than is required for her crew, and not in the manifest; having four bunks on deck, a slave-room for women and children, and a quantity of pans with a large tub such as are used on board slave-vessels; having a much larger cooking-place or cabouse than is necessary for a licit trader of her size."

On the 1st of December instant, the master of this vessel, João José de Santa Anna, was examined by the Registrar on the standing and special interrogatories, and deposed as follows:—"He was born in Lisbon; has lived three years at Rio Janeiro; is a subject of Portugal, and has never been a subject of any other state; is not married. He was appointed to the command and had possession given him at Rio de Janeiro during the month of June last, by João Machado Cardozo, a subject of Brazil, living there. First saw the vessel there and then; thinks she was built in Portugal; 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 '*Emilia*.' Previous to this voyage she was called the '*Flor de Rio*.' She is of 80 tons burthen. There were 16 officers and mariners, exclusive of witness, all Portuguese and Brazilians, and all hired and shipped at Rio de Janeiro in the month of June last by the boatswain. 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 Rio de Janeiro. The last port of clearance was Santa Catherina, Brazil, where witness touched to discharge Government clothing for troops, which was done, and dry goods for the coast procured. He was then driven into San Francisco, near Santa Catherina, by stress of weather, and remained there 14 days, after which he sailed for the Gaboon, where he sold dry goods and aguadente, bought 200 pieces of camwood, remained 35 days, and was captured. The capturing ship was first seen while the detained vessel was at anchor in this river on the 9th instant, at 6 o'clock in the morning. Capture took place at half-past 7. Would have sailed within 15 or 16 days for Prince's and St. Thomas's, with dry goods which he had for those places. The course prescribed by the papers was deviated from by going to Gaboon; but witness went there on his own responsibility to procure such articles of trade as camwood and ivory. On other occasions the voyage was always adhered to when the weather would permit. Two guns, 6-pounders each, are mounted on board, and there were 8 cutlasses, 6 muskets, and 3 kegs of ammunition. The vessel was so armed for defence against coast 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. João Machado Cardozo, from whom witness received command and possession, was the sole owner of the vessel. He is a Portuguese by birth, and has resided at Rio Janeiro; witness does not know how long; does not know where he resided formerly; he is not married; he knows nothing of a bill of sale, price or transfer of the vessel. The owner of the vessel is the lader, owner, and consignee of the cargo. He knows nothing of the lading of the last voyage. The outward cargo on the present, of which a part only is now on board,

consisted of dry goods and 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; he is uncertain whether or not the ship or goods were insured. The vessel, with respect to her employment in trade, was under the management of the supercargo. Corresponds with no one; bulk was broken at Santa Catherina and Gaboon only. 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 to receive iron bolts or bars, none of which are on board. There are 2 bulkheads, those of the cabin and fore-castle; there are 4 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 leaguers and casks on board capable of receiving 14 or 15 pipes of water in all; four of them were filled with fresh water at the time of capture, and the rest with salt water to ballast the vessel. They were all required to carry water for the crew; there were no tanks or staves; there were 3 mess-kits for the use of the crew; there were no large copper or iron boilers. There was 1 bag of rice, 10 of farinha, half a one of beans, and half a barrel of flour for use of the crew. No Indian corn."

Jozé, the cook of the detained vessel, at his examination, confirmed the statement of the master that João Machado Cardozo, a resident of Rio de Janeiro for some years past, was the owner of this vessel and cargo; a fact with which it is probable he was well acquainted, as he proved himself to have been for the last 3 years the slave of the said Cardozo.

In respect to this vessel's visit to the River Gaboon the cook was much more communicative than the master had been, by explaining that they had disembarked there a barrel of slave-shackles and 20 water-casks, and that the vessel had proceeded to Gaboon to receive a cargo of slaves, for the control and use of whom the above-mentioned articles of equipment were intended, as well as the water-casks and provisions (farinha, calavances, and maize) now remaining on board.

Publication passed in the case on the 2nd instant.

The sworn Report of the Surveyors to the Courts, who had examined the fittings of this vessel at the request of the proctor for the captors, was received on the 3rd instant, and contained the following description of her equipment:—"There were found on board 13 water-casks, together equal to holding 1735 gallons, a quantity of water more than requisite for the use of the crew of this vessel. In addition to the ordinary accommodation below the deck, of the cabin and fore-castle, this vessel had 4 divisions on deck in the form of as many sleeping-berths of the kind usually met with in slave-vessels. And the quantity of 4 bags of calavances, 1 of maize, and 12 of farinha, was more provisions of this description than could be required for the use of the vessel's crew."

The Monition, issued on the 30th ultimo, was returned into Court on the 7th instant, and on the 9th instant the British and Brazilian Court met for the adjudication of the case.

In giving judgment in this case the Court remarked upon the manner in which the name of this vessel had been changed, and the reasonableness of the inference therefrom, that that circumstance was intended to disguise and conceal the real character of the vessel and the names of those concerned in her. This opinion the Court considered was confirmed by the fact of both the witnesses in the case (the master and cook) having contradicted the passport of the vessel in respect to her ownership, they having sworn João Machado Cardozo to be the owner. Cardozo was described as a Portuguese by birth, but a subject of Brazil living in Rio de Janeiro, which had been for some years past his place of abode; a fact with which the cook of the detained vessel might reasonably be supposed to be familiar, he having been his slave for the last 3 years past. The Court therefore held that Cardozo had been proved to be the owner of this vessel, and as he had clearly a Brazilian national character, and as the vessel's voyage was from and to Rio de Janeiro, that she had also, *bonâ fide*, a similar national character.

In respect to the real nature of the voyage in which the vessel had been seized, the Court adopted the evidence of the cook in preference to that of the master, inasmuch as the former had every appearance of truth about it, and was borne out by the inferences to be drawn from the proceedings of the vessel and those concerned with her, whilst the evidence of the latter was not supported by the log books or the real state of the vessel.

In declining the evidence of the master respecting the nature of the voyage of this vessel the Court kept in view the fact of his being the immediate and interested representative of the planner of this expedition, which had commenced at Rio by the change of the vessel's name under the questionable circumstances previously mentioned, and which ended in the landing of a large proportion of the vessel's slaving equipment in the Gaboon, whither the vessel had gone for a cargo of slaves; facts which the master had suppressed in his evidence.

The present fittings of the vessel were proved to consist of casks equal to holding 1735 gallons of water, a quantity more than was needed for the use of the crew of the vessel, and 4 unnecessary divisions on the deck in the shape of as many moveable sleeping-berths, such as are usually found on board of slave-vessels. Under all these circumstances the Court considered the engagement of this vessel in the Slave Trade to have been proved; and as a Brazilian national character had also been established, the condemnation of the "*Emilia*" was pronounced on the 9th instant.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

No. 112.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 25, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at Rio de Janeiro, containing a list of vessels CLASS A.

which arrived at the port of Rio de Janeiro from the coast of Africa, between the 1st of June and the 31st of December, 1840; and a list of vessels which left the port of Rio de Janeiro for that destination during the same period.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 112.

Rio Commissioners to Viscount Palmerston, January 11, 1841.

(See No. 216.)

No. 113.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 6, 1841.

I HAVE to acquaint you that I have been officially informed by the Brazilian Minister at this Court, that His Majesty the Emperor of Brazil has appointed M. Joaquim Thomaz do Amaral 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. do Amaral 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 at the same time to refer you to my Despatch of the 22nd of August, 1840, announcing to you that M. Hermenegildo Frederico Nitheroy had been appointed Commissioner of Arbitration in the Mixed British and Brazilian Court of which you are members; and I have to state to you that the Brazilian Minister has now informed me that M. Nitheroy was nominated Commissary Judge, and not Commissioner of Arbitration; and I have accordingly to desire, that you will acknowledge M. Nitheroy in the capacity of Commissary Judge on the part of the Emperor of Brazil to the Mixed British and Brazilian Court, of which you are members.

I am, &c.

(Signed) PALMERSTON.

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

No. 114.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 31, 1840.

(Received April 13, 1841.)

SIR,

IN pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George the Fourth, entitled "An Act to amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to forward a return of vessels adjudicated in the British and Brazilian Court of Mixed Commission in the period from the 1st of July last to this date.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

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

Enclosure in No. 114.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Sierra Leone, between the 1st day of July and the 31st day of December, 1840.

NAME OF VESSEL.	FLAG.	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.	TONNAGE OF THE VESSEL.			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.							Foreign, according to the Papers.	English.	New Admeasurement.		
Claudina .	Brazilian	Agostinho Fernandez Catanho Vasconsellos.	1840. Aug. 29	Off the River Congo.	Brigantine and Cargo.	Edward H. Butterfield, Esq., H.B.M. Sloop "Fantôme."	1840. Oct. 1	..	..	..	130	146 ³ / ₄	80 ³²⁷ / ₃₅₆	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.
Onze de Novembro .	"	Jozé Antonio Carvalho.	Oct. 11	11° 40' S. 5° 20' E.	Brig and Cargo.	" "	Nov. 11	..	..	..	206	240 ³ / ₄	113 ³²³ / ₃₅₆	"	"
Gratidão .	"	Josquin Antonio Brandão.	" 14	3° 58' N. 0° 3' E.	Schooner and Cargo.	William Tucker, Esq., H.B.M. Sloop "Wolverine."	" 16	..	..	..	77	121 ⁵ / ₄	44 ³³³ / ₃₅₆	"	"
Emília .	Portuguese.	Joao José de Santa Anna.	Nov. 9	River Gaboon.	Brigantine and Cargo.	" "	Dec. 9	..	..	..	90	127 ³ / ₄	52 ³⁵⁰ / ₃₅₆	"	"

Sierra Leone, 31st December, 1840.

(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.

(Signed)

M. L. MELVILLE, Registrar.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.

(Received April 13, 1841.)

MY LORD,

WE have the honour to forward to your Lordship an abstract of the proceedings in the British and Brazilian Court of Mixed Commission during the year ending this day.

Eight vessels, all equipped for and concerned in the Slave Trade, were tried and condemned, under the first article of the Brazilian Convention of the 23rd of November, 1826.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

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

Enclosure in No. 115.

Abstract of the Proceedings in the British and Brazilian Court of Mixed Commission, established at Sierra Leone for the Repression of the Slave Trade, during the Year 1840.

Sierra Leone, December 31, 1840.

1. THE brigantine "*Conceição*," José Peres da Silva, master, was seized, with Brazilian colours flying, off Whydah, on the 28th of November, 1839, on the ground of her being concerned in the Slave Trade, by Her Majesty's brigantine "*Termagant*," Lieutenant Henry F. Seagram commanding. The detained vessel was sent to Sierra Leone for adjudication by the British and Brazilian Court of Mixed Commission established there, in which port she arrived on the 27th of December, 1839.

The usual proceedings in prosecution of this vessel on the above-mentioned charge were commenced on the 28th of December, 1839, and from the papers seized on board of her and filed in the case, and the evidence of the witnesses produced by the captor (the master and mate of the detained vessel) was derived the following history of the vessel and her voyage.

The Brigantine "*Conceição*" was furnished with a passport as a Brazilian vessel by the Minister of Marine at Rio de Janeiro in May, 1838, in which Estavão Brito was described as owner, and the vessel stated to be destined for Montevideo, under the command of João Antonio Louro. What the vessel's proceedings were from that time until she cleared out at Bahia in May, 1839, for the Coast of Africa, with the above-mentioned Da Silva as master, does not appear. She left Bahia on the 5th of May, 1839, and proceeded at once to Lagos with the intention of landing her cargo there; but finding the country in a confused state she went to Whydah, and there discharged it; and whilst waiting the return cargo appears to have made several coasting trips, no doubt with the object of collecting provisions for the slaves who were to form the return cargo to Bahia. The master declared he received possession of the detained vessel at Bahia from Joaquim Fernandez da Silva, whom he then considered to be the owner of the vessel; but that during the outward voyage he had discovered, from the ship's papers, that such was not the case, Estevão de Brito, of Bahia, a Brazilian, being the real proprietor.

The evidence of the mate, Camelo Mathias, was very limited, owing to his having only joined the vessel subsequent to her arrival at Whydah. He, however, agreed with the master in stating that the vessel had always sailed and was seized under the Brazilian flag, and that she had on board an extraordinary number of leaguers, or large water-casks, for which no satisfactory explanation was offered by either witness. Whereupon, on the return of the monition which had been issued in the case on the 6th of January, 1840, the British and Brazilian Court assembled, and pronounced the confiscation of this vessel for a breach of the 1st Article of the Convention between Great Britain and Brazil of the 23rd November, 1826.

2. The brigantine "*Julia*," Joaquim Mariano da Silva, master, sailed under a Portuguese passport obtained on the 28th of June, 1837, from the Government of Prince's Island for a voyage thence to Montevideo. This passport was extended on the 20th of August, 1839, by the Portuguese Vice-Consul at Rio de Janeiro, Senhor José Marcellino da Rocha Cabral, for a voyage to Prince's Island. The "*Julia*" sailed from Rio with a full cargo on the 29th of August, 1839, with the above-mentioned ostensible destination, which was not, however, attended to, as this vessel went direct to the Gold Coast, where a coasting-trade was commenced and continued until her arrival at Ardra, near Lagos, at which place she was seized by Her Majesty's brigantine "*Termagant*," Lieutenant H. F. Seagram, commander, on the 29th of November, 1839, on the plea of her being a Brazilian vessel, and as such concerned in the Slave Trade, contrary to the Convention of November, 1826, between Great Britain and Brazil.

On the 29th of December, 1839, the detained vessel arrived in this port, and on the following 30th her case was presented to the British and Brazilian Court for trial. The evidence received from the witnesses produced by the captor (the master and mate of this vessel) satisfactorily showed that Joaquim Manoel Loureiro, a Portuguese, residing at Rio de Janeiro, owned the "*Julia*" and part of her cargo; that the voyage was from the port of Rio to the Coast of Africa and back again; that the official destination of the vessel had been deviated from, as previously mentioned, without any sufficient

reason for so doing, the plea of a want of provisions, on which it was alleged she had touched at the Gold Coast, not justifying the course of trading along the Coast which had been adopted; that she had on board four casks of maize and one bag of farinha (slave provisions) not required for the use of the crew, and not forming part of the cargo; and, finally, that she carried 24 large water-casks, a fact decisive, in the opinion of the Commissioners before whom this case was tried, of the intention to engage the vessel in the Slave Trade.

A sentence of condemnation was in consequence pronounced upon both the vessel and her cargo on the 6th of January, 1840.

3. The Brazilian polacca "*Santo Antonio Victorioso*," Joaquim Lopes Pereira, master, was seized by Her Majesty's sloop "*Wolverene*," William Tucker (*b*), Esq., commander, on the 2nd of April, 1840, in 4° 45' north latitude, and 6° 2' west longitude, for having on board one slave, as well as being equipped for such illegal traffic.

This vessel was the property of the senior partner of the well-known house of João da Costa, junior, and Company, of Bahia, between which port and this coast she appears to have been a regular trader, and to which she was bound when seized.

The detained vessel arrived in this harbour on the 5th of May, and on the following day her prosecution commenced on the above-mentioned charges. The evidence received did not, however, completely establish the charges which the captor had preferred in this instance, as the negro found on board proved to be a free man. The illegal equipment of the vessel was, however, placed beyond question, as it was plainly shown by evidence that there was more water on board than requisite for the crew of the vessel, more divisions in the brig than would be seen on board a lawful trader, and those of a description usually met with in slave-vessels, an unlawful cabouse, and a large quantity of slave provisions.

On the 20th of May the Court accordingly declared this vessel with her cargo confiscated.

4. The brig "*Republicano*," Juan Garcia, master, sailed under the Montevidean flag, in virtue of a passport granted for her by the Consul for Uruguay, residing at Rio de Janeiro, whence she sailed on the 23rd of March, 1840, on an ostensible voyage to the Canary Islands for the avowed purpose of bringing thence colonists for Montevideo; but really bound to the Portuguese settlements south of the equator in order to procure a cargo of slaves.

This vessel was seized by Commander E. H. Butterfield, of Her Majesty's sloop "*Fantôme*," on the 12th of April last, in 25° 21' south latitude, and 12° 48' west longitude, on the ground of her being *bonâ fide* Brazilian property, and as such illegally employed in the Slave Trade.

On the 18th of May the "*Republicano*" reached Sierra Leone for adjudication on the charges stated, and on the following 20th proceedings commenced against her in the British and Brazilian Mixed Commission Court.

The brig's passport showed that Jozé Garcia owned this vessel, of which he had become possessed by purchase on the very same day that the Montevidean passport was dated, and which paper described Garcia as a subject of the republic of Uruguay. Previous to this sale the detained vessel had long borne the name of "*Pampeiro*," and carried the Brazilian flag. The sale in question, however, proved to be fictitious, and merely a cover for a Brazilian slave adventure. Two of the detained crew, who had been brought to this colony in the brig, declared their thorough knowledge of the vessel for years passed, having been the slaves of her owner, Bernardino de Sá, of Rio de Janeiro, who had long employed her in the Slave Trade, and on whose account the vessel was proceeding to Ambriz for a cargo of slaves at the time of seizure.

The evidence of the negroes received strong confirmation from the fact of the official destination of the vessel having been disregarded, and the neighbourhood of Ambriz resorted to in its stead; from the suspicions naturally arising out of the circumstances attending the sale and transfer of the vessel in due form from the Brazilian to the Montevidean flag; instantly receiving all the requisite Custom-house papers for the brig and her cargo; obtaining the Uruguay Consul's certificate to cover the unlawful equipment shipped on board, and ultimately putting to sea; from the fact, too, that the notorious Luis Antonio de Carvalho, a resident (we believe) of Loando, being concerned in this vessel; and, finally, from the full equipment for the Slave Trade discovered by the captors.

The Court, therefore, acted upon the evidence of the two negroes above quoted, in deciding upon the *bonâ fide* nationality to which this vessel was entitled, and rejected the character furnished by the ship's papers, by declaring that the brig had only been nominally transferred to the Montevidean flag, and that she still retained her Brazilian character, under which she was accordingly pronounced to be a good and lawful prize on the 5th of June, 1840.

5. the Brazilian brigantine "*Claudina*," Agostinho Caetano de Vasconcellos, master, was detained on the 29th of August, 1840, by Her Majesty's sloop "*Fantôme*," E. H. Butterfield, Esq., commanding, off the mouth of the river Congo, on the ground of her being concerned in the Slave Trade.

The master of the "*Claudina*" at the time of detention declared her to be engaged in a voyage from Rio de Janeiro to the Western Islands for the purpose of carrying thence emigrants to Rio, with leave to call at Cabinda on the outward voyage.

The prosecution of this vessel before the British and Brazilian Court of Mixed Commission commenced on the 17th of September in the usual manner; and the captor produced the master and cook of the detained vessel as the witnesses in the case.

The principal official papers for this Brazilian vessel had been obtained from the Portuguese Consul at Rio de Janeiro. Two of these documents described the destination of the vessel to be for different ports on the Coast of Africa.

St. Thomas's on the Line was stated in the bills of lading as the place for the delivery of a large portion of the cargo; whilst the latest paper in date from the Portuguese Consul described Benguela as the port to which the brig was proceeding direct from Rio; and, on the contrary, the owner's instructions desired the master to take a direct course for Cabinda, which he did, and there delivered a great part of the cargo which had professedly been embarked for conveyance to the Azores.

In order to cloak, as far as possible, the real object of the visit to Cabinda, there was placed on board a document addressed to the President of the Society for Colonization at Rio, setting forth that the owner of the vessel had engaged to allow her to convey colonists from the Azores to Rio, and praying

the protection of the Society, with whom this engagement had been made. The President of the said Society, however, is made to decline entering into any arrangement for the disposal of the colonists previous to their arrival in Brazil.

The owner in his instructions to the master mentions that he had shipped certain goods in the vessel to be landed at Cabinda; but the official papers of the vessel showed that only a few trifles for a person at St. Thomas's had been embarked by him. The owner then declares that the freight on the goods shipped for Cabinda is so small as to deprive him of adequate remuneration, and that the master must therefore destroy those goods by throwing them overboard, if any delay in their disembarkation should occur. For the owner appears, according to his own admission, fearful of even a suspicion resting on his vessel of any intention to engage her in "the illicit and abominable traffic in slaves;" a suspicion which he reasonably thinks any delay at Cabinda, one of the most notorious slaving ports south of the equator, would create. Taking into consideration all these contradictions respecting the vessel's cargo and voyage; the deviation of the vessel from the route assigned in her official papers; the evident desire to cloak the real character and object of the vessel's visit to Cabinda, as well as her unlawful equipment, consisting of water-casks, cabouse, and slave provisions, embarked under the plea of ultimately conveying emigrants from the Azores to Rio, and the well-known necessity which exists for keeping as secret as possible expeditions of the description in which the "*Claudina*" appeared to have been engaged, the Court could arrive at no other conclusion than that this vessel had been seized whilst engaged in making a voyage to procure a cargo of slaves, and not one of emigrants.

A sentence of condemnation was in consequence pronounced upon this vessel and her cargo on the 1st of October, 1840.

6. The Brazilian brig "*Onze de Novembro*," José Antonio Caryalho, master, was seized on the 11th of October, 1840, in latitude 11° 40' south, and longitude 5° 20' east, by Her Majesty's sloop "*Fantôme*," Commander Butterfield, in an ostensible voyage from Rio de Janeiro to the island of St. Thomas's on the Equator, but actually proceeding direct to St. Paul de Loando—a port she had nearly reached when detained.

The grounds of seizure consisted of a breach of the 1st Article of the Convention between Great Britain and Brazil of November, 1826, which prohibits Brazilian vessels being concerned in the Slave Trade.

The detained vessel reached Sierra Leone on the 1st of November, and her prosecution on the above-named charge began on the following day.

The ship's papers and correspondence found on board of this vessel showed that she belonged to Caetano Jozé Sanches de Lima, and was proceeding on a voyage from Rio de Janeiro direct to the island of St. Thomas's, and thence to Angola, a course not at all observed by the master of the vessel as previously pointed out, and which he attempted to explain, by stating that he "found it would be more convenient to proceed to the coast first, and deliver his letters and arrange for his cargo."

This proceeding on the part of the master naturally created a suspicion of the correctness of the owner's instructions for the voyage, in which it is stated that the freighters of the outward cargo are bound to supply another from St. Thomas's to Angola, respecting the quality and description of which, however, the owner directs the master to exercise an authority quite incompatible with that discretionary power which the freighters of any merchant-vessel would of right demand and expect to exercise, so long as their goods did not partake of a prohibited character.

Such ambiguous and in fact contradictory directions as those referred to could never have been written by any owner about to despatch his vessel on a regular and lawful voyage, in which there would be nothing to conceal. And this opinion is greatly strengthened by the following paragraph in the owner's letter to the consignee at Angola:—"I hope you will not on any account allow any one engaged in the brig to put slaves on board, since it (the slave traffic) is a trade most strictly prohibited in Brazil, and I do not wish my vessel thus to be compromised."

The testimony of the master of the detained vessel was intended by him to obtain, as much as possible, a lawful character for the plans he was engaged to carry out. The mate of this vessel did not, however, fully support him in so doing, for he distinctly stated that the vessel was proceeding to St. Paul de Loando, instead of the island of St. Thomas's, in obedience to the positive directions of the owner; a statement which has the appearance of truth about it.

The sworn report of the survey of the equipment of this vessel showed that she had more divisions below and on deck than necessary for a lawful trading-vessel, and by one of which the regular cabin for female slaves was formed; that there were far more water-casks on board than the crew needed, as well as four unnecessary mess-tins and a large quantity of farinha and calavances.

The evidence which established the foregoing facts the Court deemed sufficient for proving that this vessel was at the time of her seizure engaged in a slaving voyage, and the "*Onze de Novembro*" was accordingly pronounced a good prize on the 11th of November, 1840.

7. The Brazilian schooner "*Gratidão*," Joaquim Antonio Brandão, master, was seized in the Bight of Benin on the 14th of October, 1840, by Her Majesty's sloop "*Wolverene*," Commander W. Tucker (b), for being fully equipped for the "Slave Trade, and completely ready for the embarkation of slaves."

On the 7th of November the detained vessel arrived in this harbour, and the following day her prosecution on the charge above stated was commenced in the British and Brazilian Mixed Court.

The witnesses produced by the captors were the master of this vessel, and his cook, Luiz Carvalho. From the evidence of these persons, and from the papers found on board of this vessel at the time of her detention, it appeared that she belonged to the port of Bahia, and was owned by Bernardino Barbosa Pereira Lisboa, a resident of Maragogipe Grande, in the province of Bahia; that she sailed from the above-named port in September, 1840, with an ostensible destination of Fayal, in the Western Islands, having on board four Portuguese, one Spanish, and one Brazilian passengers; all of whom, according to their passports, were going to Fayal. On leaving Bahia on the 6th of September the official destination of the vessel was totally disregarded, and a direct course adopted for the Bight of Benin, in which capture took place on the 13th of October, as above stated. This violation of the papers of the vessel the master pretended to explain by stating that, when seized deep in the Bight of Benin, he was actually prosecuting his voyage to the Western Islands.

The master's evidence respecting the equipment of the vessel was to the effect, that the coamings of

the hatches were bored for iron bars, but the holes were now plugged up; that the casks for 50 pipes of water now on board had been embarked on account of the great length of the voyage, and his desire to avoid the trouble of procuring water on this coast; and that the 18 or 20 mess-tins on board were for the use of the crew, and of emigrants, if they should procure any at Fayal.

On the other hand, the testimony of the cook on the same subject proved that the said equipment was for the use of slaves, for a cargo of whom they were in search when seized on their way to Whydah.

The sworn report of the surveying officers of the Court showed that the main-hatch of this vessel was illegal; that there was a female slave-room in the hold; and that there were more water-casks and water on board, as well as more mess-tins, than her crew needed; besides other articles of regular slaving equipment which it is not necessary to particularize.

The proof of this vessel's connexion with the Slave Trade having been so clearly established, her condemnation was in consequence decreed on the 16th of November, 1840.

8. The brigantine "*Emilia*," alias "*Flor de Rio*," João Jozé de Santa Anna, master, sailing under Portuguese colours, was seized on the 9th of November, 1840, in the river Gaboon, by the boats of Her Majesty's sloop "*Wolverene*," William Tucker, Esq., commander, on the ground of her being equipped for and engaged in the Slave Trade.

The detained vessel arrived in this harbour on the 28th of November, and her prosecution on the above-stated charge, as a vessel having a *bonâ fide* Brazilian national character, commenced in the British and Brazilian Mixed Commission Court on the following 30th.

From the papers seized on board of this vessel and the evidence received in the case, it appeared that the "*Emilia*" sailed under a Portuguese passport originally granted in October, 1838, to the "*Flor de Rio*," by the Governor-General of Angola, and that her name had been changed (on what grounds it is not mentioned) in June, 1840, to that of "*Emilia*," as the Portuguese Vice-Consul at Rio had certified. On this change being completed she is said to have taken on board at Rio de Janeiro Government stores, to be delivered at St. Catherine's Island, where their disembarkation took place, and the cargo with which she was seized shipped.

The brigantine cleared out at St. Catherine's on the 8th of July, 1840, with a cargo of merchandise, embarked and said to be owned by João Machado Cardoza and Jozé Vieira Pimenta, junior, and destined to be delivered at St. Thomas's or Prince's Island to João Pedro Ferreira, first mate of this vessel, and Antonio Rodrigues Chaves, whose name is not mentioned in any other of the papers than the manifest.

The "*Emilia*," having put to sea from St. Catherine's, is declared to have met with a storm, which drove her into the Rio de San Francisco, where she remained upwards of a month. What her occupation was during this time is not apparent. She, however, sailed thence on the 18th of August, and, having touched and remained at St. Thomas's two days, proceeded direct to the Gaboon, where part of the cargo had been landed, as well as 20 water-casks and a barrel of slave-irons, previous to her seizure as above stated. Both the witnesses concurred in declaring that João Machado Cardoza was owner of both vessel and cargo, and that he had lived for some time past in Rio de Janeiro; as well as that the voyage began and was to have ended at that port; facts which induced the Court to hold that this vessel was entitled to a Brazilian national character. Her engagement in the Slave Trade was established by the evidence of the cook in preference to that of the master, the latter having suppressed some material facts, and mis-stated others, respecting the voyage and the vessel's equipment. The cook's statement, that the "*Emilia*" had gone to the Gaboon for the purpose of embarking a cargo of slaves, was strongly corroborated by the slaving equipment which she had on board at the time of seizure (casks for 1736 gallons of water, slave provisions, and unnecessary divisions on deck), and by the fact of such unlawful articles having been landed in the Gaboon, as well as by the vessel disembarking her cargo there instead of at the port for which she cleared out.

Of the illegal nature of the "*Emilia*'s" employment the Court, under these circumstances, had no doubt, and the condemnation of the vessel and cargo was accordingly pronounced on the 9th of December, 1840.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 116.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 14, 1841.

(Received May 4.)

MY LORD,

WE have the honour to report to your Lordship that Her Majesty's Brig "*Rolla*," Lieutenant Hall, commander, seized on the 29th of November, 1840, the Brazilian brigantine "*Felix Ventura*," Jozé Mariano da Costa e Silva, master, off Cape Mount, on the ground of her being concerned in the Slave Trade.

The detained vessel arrived in this port for adjudication on the 10th of December ultimo, and her prosecution commenced on the following 11th, before the British and Brazilian Court.

The proceedings in this instance extended over a longer period than is usual in ordinary cases, owing to the master having filed a claim, under which much evidence was taken, which kept the case open until the 1st instant.

From our report of the case of this vessel, which is herewith transmitted for

your Lordship's information, it will be perceived that, throughout, the history of her voyage has been questionable, and in many instances fraudulent. The vessel is said to have embarked at Rio de Janeiro a large cargo, yet she had not a single Rio Custom House paper on board. The owner despatched her to Bahia for spirits and tobacco, to be purchased on his account, by the master and mate, who were the ostensible consignees of the vessel's cargo; and there the master entirely neglected the owner's instructions on this point, and shipped many goods on account of himself and others. There were interpolated bills of lading for the cargo, which bore date at Rio in September, 1840, whilst many of the articles named therein were not put on board until a month afterwards at Bahia. The seamen's wages were at the exorbitant rate of 5*l.* a-month, and the vessel was seized 1200 miles away from her official destination.

These and other doubtful circumstances, as well as the prevarications, suppressions, and contradictions in the evidence of the master and mate, have been fully dwelt upon in the enclosed report; and we need only here add, that, connecting them with the questionable fittings of the vessel, the Court considered a sufficiently strong case had been established to justify the condemnation of the "*Feliz Ventura*," which was accordingly decreed on the 11th instant.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

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

Enclosure in No. 116.

Report of the Case of the Brazilian brigantine "Feliz Ventura," Jozé Mariano da Costa e Silva, Master.

Sierra Leone, January 14, 1841.

THE "*Feliz Ventura*" sailed under a passport from the minister of marine at Rio de Janeiro, dated the 24th of September, 1840, which described her as under the command of the above-named Da Costa e Silva, owned by Francisco Jozé da Silva, and destined for St. Thomas' and Prince's Islands, and the ports on the coast of Africa, touching on her way thither at Bahia.

The muster-roll and certificate of admeasurement showed that the brigantine had a crew of 13 persons; that the owner was a Brazilian citizen residing in Rio de Janeiro; and that the burthen of the vessel was 123 tons.

These formed the whole of the official papers from Rio de Janeiro, although there was embarked in that port, by the owner of the vessel, an assorted cargo of merchandise of the value of 5290 dollars, and which was consigned jointly to the master and his first mate.

There was a regular invoice of the above-mentioned goods, signed by the owner of the vessel, and addressed to her master and mate as the consignees of the same.

The instructions from the owner of the brigantine to her master and mate, dated Rio, 23rd of September, 1840, were, in the first instance, to proceed to Bahia, and there to purchase tobacco and aguar-diente to the amount of 2½ contos of reis, which articles were to be added to the cargo shipped at Rio, and then, being thus complete, the vessel was to proceed to the coast, where, as early as possible, the master and mate were desired to dispose "of the cargo agreeably to the bills of lading, and purchase such goods, the produce of that country, as in their own judgment they might conceive most suitable to, and profitable in, the Rio market, or that of Bahia." Then followed some instructions for the disposal of this return cargo, either at Bahia or Rio. The consignees are desired to be very particular "with their accounts, and keep a note-book to account for all the cargo they may dispose of on the coast, a copy of which they are to send to the owner, should they not find him in Bahia." This is stated to be necessary to the interests of the firm. They are also requested "on no account to consent to receive on board any slaves, or anything that would indicate dealings in the Slave Trade, so as to prevent any doubt as to her insurance. As they have the authority to trade, they will of course derive the usual advantage from all their transactions; and whatever commission may be due on their sales cannot be interfered with. The crew have received wages for a longer period than will be required to take them to the coast of Africa on a legal voyage, and they shall have a douceur according to the profits arising from the speculation."

Under the circumstances above described, the voyage of the "*Feliz Ventura*" commenced at Rio de Janeiro in September, 1840, whence she proceeded at once to Bahia, where several shipments took place—not, however, of the tobacco and spirits which the owner had directed for the completion of his cargo, but of various articles on the account of no less than four persons, besides the master himself.

At this stage of the vessel's proceedings, therefore, there arose strong grounds of suspicion of the *bonâ fide* character of the "*Feliz Ventura's*" voyage, as the master had totally disregarded the instructions under which the adventure was ostensibly to have been conducted.

The official papers connected with the vessel and her proceedings in the port of Bahia, were—

A bill of health,

Fort pass,

Certificate of having paid duties, and

A passport for three free negroes to be deported to the coast of Africa, under the order of the government.

In addition to these documents there was a paper entitled a "Manifest of the cargo embarked at Bahia for St. Thomas," and apparently drawn up on the 21st of October, 1840, by the master, but unsigned. There were also found on board 10 bills of parcels for cotton goods, tobacco, and spirits, bought in Bahia by the master of the vessel in his own name, a part only of which were so shipped, the remainder having been embarked by Francisco Jozé Godinho, who appears to have acted as agent for the vessel at Bahia.

In the Bahia manifest a portion only of the merchandise said to have been embarked at Rio by the owners, according to their invoice, is described as shipped by them, the remainder being stated to have been taken on board by the master himself, when in fact they were only consigned to him. Francisco Jozé Godinho of Bahia, who appears to have been the vessel's or the master's agent in that port, also shipped, ostensibly on his own account, and consigned to the master, 32 casks of spirits; and Francisco Roiz da Silva, 9 casks under similar circumstances. The second mate was allowed to take on board 2 barrels of spirits; and a seaman of the name of J. S. Ribeiro embarked 7 barrels of biscuits, and 1 of preserves, for Antonio Martins de Barros. In addition to all these shipments, unauthorised by the instructions for the voyage, this Bahia manifest showed that the master had put on board, in his own name, and consigned to himself, 94 rolls, 3 casks, and 226 other packages of tobacco, whilst there was not a single package of either spirits or tobacco on the owner's account, as had been ordered.

There remain now only two other papers to notice, and these proved of importance in the decision of this case: they were professedly the bills of lading of the cargo with which the brigantine was seized, marked A and B, both bearing date at Rio de Janeiro on the 22nd of September, 1840, and signed by the master.

The bill of lading A was for goods said to have been shipped by Antonio Martinez Vianna (a seaman on board this vessel), and consigned to himself, consisting originally of 6 barrels of rusks, or biscuits, and 1 of brazil nuts. A plainly interpolated entry in this paper increased the shipment by the addition of 3 barrels of rum, and 10 of tobacco, which articles must have been embarked at Bahia in October last, and not at Rio in September last, as the bill of lading professed.

The bill of lading B was evidently drawn up originally for the goods said to have been embarked by the owner according to the Rio invoice; but an interpolation here also, made it to include many of the goods put on board at Bahia nearly a month after its date at Rio. It did not, however, include all the articles named in the Bahia manifest, as there were omitted a case containing 100 tin measures, or cups, which were well adapted for feeding slaves, or giving them water, shipped by the master; and 32 packages of spirits, embarked by Godinho, and consigned to the master; as well as the 2 barrels of spirits taken on board by the second mate.

The log-book of this vessel commenced only at Bahia on the 22nd of October last, no mention being made of her proceedings between Rio and that port, and ended off Cape Mount on the 29th of November following, in making which point the vessel had first gone several degrees to the southward of the island of St. Helena, and then taken a nearly north course for Cape Mount, in the neighbourhood of which she had been dogging about for a week previous to capture, during which time it is probable the landing of a part of the cargo took place, as bulk had plainly been broken before seizure.

On the 11th of December ultimo the Marshal reported the arrival here of the "*Feliz Ventura*" during the previous night; and on the same day application was made to the British and Brazilian Court to commence her prosecution, which was complied with. The ship's papers and captor's declaration were accordingly filed, the usual monition issued, the witnesses in preparatory were ordered for examination, and a survey of the fittings of the vessel directed to be taken.

The seizor's declaration was as follows:—"I, Lieutenant Charles Hall, commander of Her Majesty's brig '*Rolla*,' do hereby declare that, on the 29th day of November, 1840, in latitude 6° 30' North, longitude 10° 57' West, Cape Mount bearing north-west by north 27 miles, I detained the Brazilian brigantine, or vessel, named the '*Feliz Ventura*,' sailing under Brazilian colours, commanded by Jozé Mariano da Costa e Silva, who declared her to be bound from Bahia to the island of St. Thomas, with a crew consisting of 12 men and boys, and 3 passengers, whose names, as declared by them respectively, are hereafter shown, under the following circumstances, and for the under-mentioned reasons, namely:—

"A great deviation from her intended voyage to St. Thomas on the Line, which is clearly pointed out on the accompanying chart, and position given in this declaration: namely, from hovering when detained under Cape Mount, then on her return from Cape St. Ann, near Sierra Leone.

"She is provided with a large cook-house, or cabouse, fitted for large boilers capable of cooking for a very great number of people.

"The lining in the hold being removed about four feet below the beams, is ready for the immediate reception of an additional planking (athwart ships) or deck for slaves.

"She has on board a far greater quantity of water-casks, and provisions, consisting principally of jerked beef, farinha, &c., than is necessary for the consumption of her crew; as also a very large quantity of fire-wood, drinking-cups, and many hand-pumps for casks.

"A part of this vessel's cargo I suspect to have been landed on this coast; many packages of her cargo have been opened, and a large portion of their contents are in the after-cabin.

"In conclusion, this vessel sails very well, has only half the cargo on board which her hold is capable of receiving, and could be fitted, at the shortest possible notice, for the reception of slaves."

The examination of the master of this vessel took place on the 14th of December, when he deposed that "he was born in Fayal, Azores. Has lived 19 years in Rio de Janeiro. Is a subject of Brazil. Was, previous to the independence of that empire, a subject of Portugal. Is not married. He was appointed to the command, and had possession given to him, at Rio de Janeiro, in the month of September last, by Francisco José da Silva, a subject of Brazil, who resides there. First saw the vessel there and then. She was built in Brazil. He was present at the capture. Does not know why it took place. The vessel sailed under Brazilian colours, and there were no others on board. The vessel is called the '*Feliz Ventura*.' Never heard of her bearing any other name. She is of 123 tons burthen. There were 11 officers and mariners, exclusive of witness; upwards of one-half of them Brazilians, and the remainder Portuguese; all hired and shipped at Rio de Janeiro in September last, by the boatswain. With the exception of 5 barrels of bread, and 1 of preserves, belonging to Antonio Vianna, a seaman, neither himself nor any of the officers or mariners had any interest either in vessel or cargo. Was master on board. There were 3 fore-castle passengers, natives of the coast of Elmina, of whose names and profession witness is ignorant. They were taken on board at Bahia on the 21st

of October, by desire of Government, to be deported to Africa, and were to be landed on any part of the coast. They had of course no concern or authority in or over the vessel or her cargo. The voyage began and was to end at Rio Janeiro, which was the last port of clearance. The vessel proceeded to Bahia for tobacco and aguardiente, which were accordingly procured there; and she touched nowhere else during the voyage. On the 29th ultimo, at six o'clock in the morning, the capturing ship was first seen off Cape Monserrado, and in sight of land. Capture took place at two o'clock. Was steering for Cape Palmas at the time. The course was not altered, nor any additional sail made. The course, as prescribed by the papers, was for Bahia, the coast of Elmina, and St. Thomas' in Africa. It was no deviation from this route to run down (up) the coast a little farther west or east of Elmina, and therefore to make, in the first instance, for Cape Palmas (Mount), which witness was doing, in order to trade for palm-oil, ivory, gold, and country cloths. No guns are mounted on board, nor were there any arms or ammunition. There are no instructions for endeavouring to avoid capture, or for destroying or withholding papers. Francisco José da Silva, from whom he received command and possession, was the sole owner of the vessel. He is a Brazilian by birth. He is not married. He knows nothing of bill of sale, price or transfer of the vessel. The owner of the vessel was also the lader, owner, and consignee of the cargo. He knows nothing of the lading on the last voyage. The present cargo consists of tobacco, aguardiente, dry goods, muskets, iron bars, sheet lead, nails, beads, and other articles which witness cannot recollect. After capture, the vessel was carried to Little Sesters, and from thence brought to Sierra Leone. All the passports and other papers were and are 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. Both vessel and goods are insured for this voyage, such insurance having been effected at Rio Janeiro in November last; but witness does not know at what premium, nor by whom it was made. The vessel, with respect to her employment in trade, is under direction of witness, who corresponds with no one. Bulk was nowhere broken during the voyage."

In respect to the equipment of the vessel, the master stated that she had neither grated hatches or hatch-bars, nor unnecessary divisions, spare planks, slave-deck, shackles, bolts, or slave provisions; and that she only carried casks equal to holding 11 pipes of water in all (1320 gallons), which he was of opinion was absolutely needful for the crew.

Jozé Maria de Freitas, the first mate of this vessel, was the second witness produced, and was examined at the same time as the master. He confirmed the master's evidence respecting the ownership of the vessel and cargo; the commencement and intended termination of the voyage at Rio de Janeiro; the lawfulness of the fittings of the vessel; and the necessity of her carrying 11 pipes of water for the use of the crew. The mate, however, differed somewhat from the master regarding the deviation of the vessel from her official route, by explaining that he considered "the ports on the Gold Coast" to mean any port on the African coast; and, as regarded her *bonâ fide* destination, he declared it to be the river Benin, for which they were steering when seized, notwithstanding that they were then off Cape Mount.

Publication passed in the cause on the 14th, and on the 16th ultimo the sworn report of the surveyors was received, from which it appeared that the "*Feliz Ventura*" had "fourteen water-casks (most of them containing water, capable of containing 1433 gallons, being a much larger quantity than requisite for a vessel of her size as a merchant-vessel), three mess-kids, and two large wooden bowls—the mess-bowls not being requisite for the use of the crew; a large wooden cabouse, lined with brick and tin, and which has an iron grating to lay the boilers, &c., on, but is of the usual description found in Brazilian merchant-vessels; nine bushels of farinha of cassada, about half a bushel of rice, twelve barrels and a half of bread and farinha mixed, and a small quantity of jerked beef, not more than what might be requisite for the use of the crew as a merchant-vessel. The ceiling of the vessel is open, so that, if a slave-deck was required to be laid, cleets would not be required to receive the ends of the beams. The form of the ceiling appears to be that with which the vessel was originally built, and is very common. The top of the streak is about four feet below the deck, and would leave sufficient height underneath it for a tier of pipes on each side, with wing-casks of a considerable size."

The monition, issued on the 11th ultimo, was returned certified to have been executed on the 18th following; and with this the captor's case was closed.

On the 15th of December, however, the master appeared as the claimant of his vessel; and on the 17th the following claim was duly authenticated by the master's affidavit, and ordered to be filed:—

"The claim of the said Jozé Mariano da Costa e Silva, the master of the said brigantine, a subject of His Majesty the Emperor of Brazil, for the said brigantine, her tackle, apparel, and furniture, goods, wares, and merchandise on board the said brigantine at the time of the capture thereof by Her Majesty's brig '*Rolla*,' Lieutenant Charles Hall commanding, and brought to Sierra Leone, for the said brigantine, her tackle, apparel, and furniture, and her cargo (with the exception of five barrels of bread, and one barrel of preserves, which belong to Antonio Martin Vianna, a seaman on board the said brigantine), as the sole property of Francisco Jozé da Silva, an inhabitant and native of Rio Janeiro, and as protected by the Treaty or Convention between his late Britannic Majesty and His late Imperial Majesty the Emperor of Brazil, dated the 23rd of November, 1826; and for all costs, charges, losses, damages, demurrage, and expenses, as have arisen, or shall or may arise, by means of the capture and detention of the said brigantine as aforesaid."

On the 19th ultimo the claimant's proctor brought in a petition with special interrogatories to be put to the master and mate of the vessel and the surveyors of the Court, which was granted. The master and mate were examined on the 22nd ultimo, when the former deposed that "the brigantine came to the coast of Africa for the purpose of lawful trade, it being the intention of witness to purchase for Bahia and Rio Janeiro a cargo of palm-oil, ivory, gold, country cloths, and other African produce. The owner of the brigantine did not authorise him to purchase slaves; the owner is not engaged in the Slave Trade; 15 persons sailed from Brazil in the vessel; all those persons were on board at the time of capture. All the water-casks were filled with fresh water when the vessel sailed from Brazil. Twelve pigs, 20 fowls, and 2 other living animals, were on board when the vessel sailed finally from Brazil; 4 of the pigs, half the fowls, and both the other animals being still on board at the time of capture; 20 or 25 gallons of water daily were used for those animals at the commencement of the voyage, this quantity being constantly diminished of course in proportion as they were killed. The two wooden bowls on board were used by witness and by the mate as basins for washing their persons. The small boilers were used for cooking for witness, the rest of the crew, and the passengers,

and were insufficient for that purpose. Farinha is used as food on board Brazilian vessels in general. The '*Feliz Ventura*' is built like all other Brazilian merchant-vessels. The crew received 20 dollars or one month's wages in advance before sailing from Brazil."

The replies of the mate to the same questions as had been put to the master were almost word for word throughout the same as the master's evidence above quoted.

On the 22nd ultimo the surveyors were examined, when they deposed that the admeasurement of the water-casks was returned in their Report in the old or Winchester measure. One of these gentlemen thought 500 gallons, and the other 640 gallons of water, enough for the actual number of men necessary to navigate this vessel on her voyage from Brazil. One pronounced 250 gallons of water requisite for the live stock embarked in the vessel, whilst the other considered by good management that 40 gallons would be sufficient. That the wooden mess-bowls mentioned in their Report as unnecessary for the crew were equal to containing together from 4 to 6 gallons. And in respect to the opening left all round the vessel in her ceiling or lining, they stated that it is not common in Brazilian merchant-vessels, though they had seen such, but with scarcely so much regularity as in this case, and which rendered it adapted to the immediate reception of a slave-deck.

At the instance of the claimant 2 ship-masters were examined on special interrogatories, namely, Mr. Brice, Joseph Harfield, of the English brig "*Gipsy*," and Mr. George Darley, master of the English brig "*Charles Heddle*." These persons deposed that not less than 65 days' water should have been embarked in the "*Feliz Ventura*" for the voyage in which she was engaged; and Mr. Harfield stated that the total quantity of water needed for her crew and live stock was 1520 gallons, whilst Mr. Darley considered 1680 gallons to be necessary. They also gave some further evidence about the length of voyages they had conducted from England to North America, to the East Indies and to Fernando Po, but which not bearing at all on the present case it is useless to quote.

With these examinations the claimant closed his case and had publication granted on the 23rd ultimo.

On the following 28th the proctor asked for and obtained the sanction of the Court to cross-examine the master by certain special interrogatories which he had prepared on perusing the claimant's case.

The master was accordingly re-examined on the 29th of December, and swore that "he signed bills of lading for the whole cargo on board the vessel; no part of the cargo whatever was shipped without bills of lading. The signature to the bill of lading exhibited to him (marked A., No. 23) is his, and the two first articles enumerated therein were shipped at Rio de Janeiro; but the 3 barrels of aguardiente and 10 barrels of tobacco were taken on board at Bahia. The whole of these articles were shipped by one Antonio Martinez Vianna, a seaman on board the captured vessel, who had the control of the two first articles—the bread and the preserves—which were allowed to be taken on board by the owner at Rio; but aguardiente and tobacco it is not usual to leave in charge of a seaman, and accordingly witness, having agreed to allow Vianna to put them on board, took them into his own custody, with the understanding he was to sell them on Vianna's account on arriving at St. Thomas's, if Vianna should think fit to direct him to do so; but declares he had no verbal or written instructions whatever respecting the said articles. In his examination in chief, and in the affidavit annexed to the claim, he has stated that the whole of the cargo on board belonged to Francisco José da Silva, with the exception of 5 barrels of bread and one case of preserves, whilst in fact 3 barrels of aguardiente and 10 barrels of tobacco belonged to one of the seamen; and witness accounts for this discrepancy by stating that he considered himself responsible for all the cargo, and did not think it worth while to make any distinction for the small quantity of tobacco and aguardiente. The bread and preserves witness did not consider cargo, though entered in the bill of lading, and did not look upon himself as responsible for them. The 5 casks of bread and 1 case of preserves are part of the 6 casks of bread, and 1 case of preserves mentioned in the preceding interrogatory, there was no other bill of lading respecting them, and there was no agreement as to the disposal of those goods other than he has already stated; no freight was to have been paid on them. He has never been on the coast of Africa before in any capacity whatever. There is a Custom House at Rio de Janeiro, and all merchant-vessels report themselves and clear out from thence previously to their leaving that port."

The prize-officer was also examined at the request of the Seizor's proctor on the same day, and deposed that "there were on board the captured vessel when he took possession of her, to the best of his knowledge and belief, about 2 dozen of fowls, a sow, and 3 small pigs, and also a cat and a dog, and no other animals. The full allowance of water given on board Her Majesty's ships cruising on this coast, per diem for each man for all purposes, is 1 gallon, but the usual allowance is only 7 pints issued by Imperial measure. The utensils used by the master and mate of the captured vessel for washing themselves in on their passage to this port were white earthenware basins. Never saw them use, or knew of their using, the wooden bowls on board the vessel for that purpose, though witness saw them washing nearly every morning. At the time of seizure witness found that bulk had been broken, and that several of the cases of cotton cloths, composing part of the cargo, had been opened and a considerable portion of their contents removed. Witness afterwards found a large quantity of cloths of a similar description stowed away in one of the cabin-berths."

Publication of this additional evidence having been granted on the 29th of December, the proctors on both sides considered their cases closed, and petitioned on the 1st instant for a day of trial, which was fixed for the 11th instant, on which day the Court accordingly assembled.

The proctor for the Seizor, in addressing the Court in support of his case, dwelt upon the very great deviation which had been made by this vessel from the route prescribed by the ship's papers, upon the evidence of the master that the exorbitant wages of 20 dollars (5*l.*) a-month was promised to the common seamen, and on the illegal fittings of the vessel, as fully making out his client's case of her being engaged in the Slave Trade, for which traffic the cargo was particularly adapted. The proctor also remarked at considerable length on the manifest fraud, falsehood, and prevarication, which distinguished the vessel's papers and master's evidence in this case, as well as the clandestine shipment by the master of a case of 100 tin-pots or measures adapted for the use of slaves; and that the claim of the master was not admissible according to the practice of the Admiralty Court, inasmuch as it was at variance with the papers of the vessel.

The claimant's proctor, in the first instance, made some unimportant observations upon the surveyor's report of the fittings of the schooner, and upon the ignorance of those officers as to whether farinha was the common food of Brazilians; the latter being a point which he desired to establish on

their evidence. He alleged that the vessel had regularly cleared out on leaving Rio de Janeiro, a statement which was supported only by the master's assertion; and that, according to the Convention with Brazil, an excess of water or water-casks formed no ground of seizure. The claimant's proctor was also of opinion that a vessel might deviate, without liability to question, from the destination assigned her in the official papers with which she was furnished and sailed under. He referred to the British Act of Parliament, which pointed out the quantity of water vessels should carry when voyaging between England and North and South America and Africa, in order to show that it would be but reasonable to allow for this vessel in her voyage from Brazil to Africa 12 weeks' water.

The captor's proctor, in reply, observed that 50 days' water would be ample for the voyage in which the "*Feliz Ventura*" was engaged; and, in remarking upon that part of the master's evidence of his never having visited this coast before, observed that it was not reasonable to suppose that any owner would intrust the disposal of a valuable cargo, such as this vessel carried, to an inexperienced person.

The Court, in giving judgment, took a review of the ship's papers of this vessel, and particularly remarked upon the differences which existed between many of them where they should have entirely agreed, and which differences have been dwelt upon in the previous description of the papers, as well as the interpolated entries in the two bills of lading for the cargo, which formed, according to the master's account, the whole of these documents.

The papers in question, the Court declared, had altogether such a fraudulent character, that they were unworthy of credit, whilst the evidence of the master, which should have served to remove doubt respecting them, had had the opposite effect.

The Court then observed that the principal ground upon which the captor's charge against this vessel had been supported in his declaration was, that she was unlawfully equipped, indicating thereby an intention to engage in the Slave Trade, and that her deviation from the course prescribed by the ship's papers was corroborative of her illegal employment. The captor also added the charge of there having been 3 slaves on board, but this was at once found to be incorrect, for, on an examination of the vessel's papers, No. 7 proved to be an official passport for the deportation from Bahia of these men in the character of free blacks.

To prove the correctness of the captor's allegation of this vessel having been unlawfully equipped when seized, a survey of her was held, the report under which showed that there were on board 14 water-casks, which were capable of containing 1433 gallons; that she had a cabouse wherein a slave-boiler could be used if desired; was provided with two large wooden bowls equal to holding 6 to 7 gallons, which were not necessary for the messing of the crew, and were good substitutes for the usual slave mess-kids; and the ceiling of the hold was left open all round at a distance of 4 feet from the deck, in such a regular manner as to make it available without any other preparation to lay a second or slave-deck upon.

With a view to obviate some of the effects which the surveyor's report of the equipment of this vessel was likely to produce on the minds of the Court, various interrogatories, at the instance of the claimant's proctor, had been put to the surveyors; two ship-masters had also been examined on the part of the claimant; and the master and mate had likewise given their testimony in explanation of the questionable fittings. The principal result, however, of all these examinations tended first to establish that a very comfortable supply of live stock had been embarked in this vessel; secondly, that a very large stock of water should necessarily be allowed for the use of the said stock; and thirdly, that, this being added to the required quantity of water for the crew during the voyage, it would, therefore, appear that the number of casks on board were not in excess.

The evidence on these points showed the following very different opinions as to the water necessary for the crew. The two surveyors declared respectively that 500 and 640 gallons were sufficient, whilst the two ship-masters stated 1120 and 1680 gallons was the proper quantity.

Respecting the quantity of water which should be allowed for the live stock, the Court was informed by one, that the total quantity should be 40 gallons; by a second that it should be 300; and by a third 400 gallons.

Upon this subject, however, the Court was guided strictly by the rule laid down in the case of the brig "*Plant*," and allowed 1 gallon only per day for each of the 13 seamen and 3 black passengers embarked in this vessel, which for a 60 days' passage to this coast (the same as was allowed in the case of the "*Emilia*" from Bahia) showed the quantity needed to have been 960 gallons, and that there was, therefore, an excess of water-casks to the extent of 473 gallons. A question had been fairly enough suggested in this case by the claimant's proctor as to whether the allowance of water on board prizes was according to the new mode of measurement or the old—the Imperial or the Winchester measure—and the Court availed itself of the opportunity of explaining, that the allowance of a gallon of water a day per man was according to the Winchester measure, in which measure the Court was aware the surveyors returned the results of their gauging the water-casks.

To return to the quantity of water which this vessel might lawfully carry, and which, as above stated, should not exceed 960 gallons, the Court remarked that that quantity amply provided for the wants of all the live stock on board, and for every other reasonable demand which could be made upon it. It was a full allowance for the number of the crew and passengers on board the "*Feliz Ventura*," in the longest voyage from Bahia to this coast which could reasonably be calculated upon; and the Court therefore held that the excess of water-casks, previously mentioned, was on board for an unlawful purpose, no sufficient excuse or explanation having been offered respecting them.

The formation of the cabouse in this vessel led to well-founded suspicions of the intention to which it was to have been applied, as it was found capable of receiving the regular slave-boiler, and lined with tin to guard against the effects of the large fire which would be necessary when that boiler was in use.

The farinha and biscuit was certainly as large a quantity as could have been admitted as necessary for the use of the crew; and, were it requisite closely to examine this point, the Court considered it would be pronounced to be in excess, there being farinha enough to supply all but the master and mates on the return voyage to Bahia. A close calculation was not however called for on the present occasion.

The manner in which the hold was prepared to receive at once a slave-deck, whenever needed, was so strong an indication of what the return cargo was to have consisted of, that, connecting this with the other illegal fittings already described, no other opinion could be formed of them than that they were to adapt the vessel to receive a cargo of slaves.

In coming to this conclusion the Court was influenced by the fraudulent practices which had characterised this vessel's proceedings from the moment of her leaving Rio, by the exorbitant rate of wages which the master had proved to have been allowed the crew, and the contradiction on this point between the master's evidence and owner's instructions, as well as by the fact of her having neglected the route assigned her in the vessel's official papers, and gone 1200 miles away from her destination with the evident object of visiting Cape Mount or its neighbourhood, in which some 8 or 10 days were, according to the log-book, uselessly expended in sailing up and down the coast.

It was thought by the Court, if the truth could have been learned, that that time was employed in discharging cargo at Cape Mount, and the confused state of the hold at the time of seizure would justify such an opinion.

The sentence of the Court was, that the "*Feliz Ventura*" and her cargo were good and lawful prize to the Crowns of Great Britain and Brazil.

(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.

No. 117.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, January 14, 1841.**(Received May 4.)*

MY LORD,

In this Despatch we beg leave to enclose to your Lordship our Report of the case of the schooner "*Bellona*," Francisco Pedro Ferreira, master, captured under the Portuguese flag, off Angola, on the 14th of December, 1840, by Her Majesty's sloop "*Fantôme*," Commander E. H. Butterfield.

A novel though not very ingenious manœuvre was resorted to by the parties interested in the adventure of the "*Bellona*" with the object of concealing the real grounds of her carrying an equipment such as is needed in slave-vessels, viz. that of declaring her bound for the whale-fishery. The course of the proposed voyage was from Rio de Janeiro, touching at St. Catherina, thence to the fishery, and eventually to Lisbon. To evade this route gales of wind were said to have arisen, and occasioned the loss of all the whaling tackle, driving the vessel from each place of destination, until the African coast was very conveniently made, when the officers and crew resolved, under protest, to enter the port of Angola. The utter improbability of this plan is apparent at first sight. The fact of a slave-vessel of the "*Bellona's*" construction being engaged in whaling; of her being unprovided with whale-boats, without which the fishing could not be conducted; gales of wind, one succeeding the other with severity sufficient to propel the vessel within sight of the African coast; and the absence of all outward cargo, and of a sufficiency of suitable provisions for such a voyage, whilst a slaving equipment actually appears on board, equally expose the real intentions of the "*Bellona's*" voyage, and the very lame attempt made to conceal them.

This plea for having on board an equipment for a cargo of slaves the Court accordingly rejected; and, the vessel having been proved by her course of trade and the domicile of the owner to be entitled to a Brazilian national character, pronounced the detention upon these grounds justifiable, and condemned the vessel and cargo on the 11th of January, 1841.

We have, &c.

(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 117.

*Report of the Case of the schooner "Bellona," Francisco Pedro Ferreira, Master.**Sierra Leone, January 14th, 1841.*THE following papers were found on board the "*Bellona*" at the time of capture:—

1. A Portuguese provincial passport granted at St. Paul de Loando on the 1st of July, 1840, for the voyage preceding that of detention, the vessel being then bound to Rio de Janeiro via the Cape Verds. Manoel Antonio Ferreira da Silva, a merchant carrying on business at Rio de Janeiro, is mentioned as the owner, and Francisco Jozé de Souza as master. An endorsement made by the Portuguese Vice-Consul, Francisco João Moniz, at Rio de Janeiro on the 6th of November, 1840, the day before the commencement of the last voyage, describes the destination as being the Fishery and

Lisbon by way of St. Catherine's, near Rio de Janeiro and Bahia. This passport is declared to be valid only until the vessel can reach Lisbon.

2. Muster-roll, obtained, like the last paper, at St. Paul de Loando in July last, with a similar destination for the vessel, and renewed in November last for the present voyage by the Portuguese Vice-Consul at Rio de Janeiro. On comparing these two lists of crew it appears that the man who had commanded on the previous voyage was on board in the inferior capacity of boatswain when the vessel was seized; and that of the five slaves of the owner, who acted as seamen in the former, four still remained in the same situation on the latter occasion. These slaves, it was stated, were entered on the list of crew in consequence of their having come to Angola from Rio de Janeiro as seamen.

3. A bill of Health.

4. A certificate of tonnage dated at St. Paul de Loando on the 1st of July, 1840. The "*Bellona*," formerly the "*Josefina*," is declared to be the property of Manoel Antonio Francisco da Silva, residing at Rio de Janeiro, to be of Genoese construction, of the burthen of 117 tons, and then under consignment to Luis Antonio Carvalho e Castro, who is described as a resident merchant of Angola. This paper bears the signature of Boaventura de Lemos Simeão.

5. A brief letter of instructions from the owner, Manoel Antonio Ferreira da Silva, to the master of the vessel, written at Rio de Janeiro on the 6th of November, 1840. The ostensible, but somewhat improbable, object of the voyage is stated to be whale-fishing; and the master is directed, after touching at St. Catherine's on his way to the fishery, to proceed to Bahia, and dispose of his oil to Luis Antonio Carvalho e Castro, who will then despatch the vessel to Lisbon.

Nos. 6, 7, 8, 9, and 10, are a series of very formal protests made at sea by the master and crew between the 8th of November and 8th of December, 1840, accounting for the deviation from the prescribed course of the voyage in consequence of meeting with heavy gales of wind. The first and second protests describe a gale of wind which ensued in 26° 25' south latitude and 3° 30' west longitude, which prevented the Island of St. Catherine's being visited. In a third it is mentioned that a whale was fallen in with, pursued and harpooned; when unluckily another gale sprung up, and to save the people in the boats the whale was allowed to escape, carrying off all their fishing-tackle. The fourth declares that the loss of all the fishing-tackle had completely defeated the object of the voyage, and that it had now become necessary to make for the nearest port. In the fifth and last protest another very heavy, and in its consequences injurious, gale is said to have been experienced, and rendered it imperative for the vessel to proceed to Angola, which proved very conveniently to be the nearest port, and close to which capture took place.

11. A packet of custom-house papers relating to the cargo, dated at Rio de Janeiro, November 6th, 1840, and addressed to the inspector of customs at Desterro by Theodoro Lazaro da Silva. Provisions and articles necessary for the fishery:—50 bushels of farinha, 42 bags of beans, 5 bags of biscuits, 4 bags of rice, 100 lbs. of dried meat, 100 barrels of flour, and a large quantity (8000 logs) of wood, are cleared out for the voyage.

12. A log-book of the voyage, commencing on the 6th of November and ending on the 13th of December, 1840. The gales of wind referred to in the foregoing protests, as well as the loss of the chief articles of the whaling equipment, are duly noted in the log, which in fact is made perfectly to agree with and support the scheme for which the protests themselves had been fabricated.

On the day after the "*Bellona*" had made the land off Angola, Her Majesty's sloop "*Fantôme*," Commander Edward Harris Butterfield, fell in with and detained this vessel, the captor having found her sailing unlawfully equipped for the Slave Trade.

The Marshal reported the arrival of the prize here on the 4th instant, and the prosecution commenced on the same day, the captor's proctor having lost no time in presenting the declaration and ship's papers to the court, and in praying for the issue of the monition and the order for the evidence to be taken.

The declaration sets forth, that capture took place on the 14th of December, 1840, in 8° 10' south latitude, and 13° 8' east longitude, the vessel being then under Portuguese colours and bound from Rio de Janeiro to Angola. "Two slave-coppers, 52 casks for water, a large quantity of fire-wood and mess-kits, open hatches, farinha and dried beef, &c." constituted the illegal fittings of the detained vessel, which, with the opinion of her being really a Brazilian schooner, formed the grounds of seizure.

The following depositions were taken and received in evidence on the 5th instant:—the master, Francisco Pedro Ferreira, deposed that "he was born at Lisbon, which has always been his place of residence when ashore; is a subject of Portugal, and has never served any other state; was appointed to the command of the vessel and possession given to him at Rio Janeiro in October last by the owner, Manoel Antonio Ferreira da Silva, a Portuguese by birth, residing in Rio Janeiro; does not know of what state the said Da Silva is a subject; first saw the vessel in Rio Janeiro at the time he was appointed to the command; does not know where she was built; was on board at the time of capture; does not know for what reason the vessel was seized, unless it be that she was found on the Coast of Africa under Portuguese colours; had also a French flag for a signal. The vessel is called '*Bellona*;' believes she was formerly called '*Josephina*;' does not know her tonnage; she had 14 officers and mariners on board exclusive of witness, all Portuguese, shipped and hired in Rio Janeiro in October last. Neither he nor any of the officers or mariners had any interest in the vessel or her lading; was master on board; the voyage began at Rio Janeiro; does not know where it was to have ended, as his ultimate destination was to depend upon the instructions to be received from the owner's correspondent at Lisbon. The last clearing port was Rio Janeiro; from thence the vessel proceeded towards Santa Catherina with the intention of fishing for whales, and was to have gone from that place to Bahia, where, after discharging his cargo of oil, the consignee of the vessel there was to have given him a cargo for Lisbon, but weather did not permit of his going to Santa Catherina. The vessel did not touch at any port or place from the time of leaving Rio de Janeiro to the date of seizure. The capturing vessel was first seen between Angola and Ambriz, within sight of land, at daybreak on the 14th of December; capture took place there and then; the vessel was becalmed; the course of the vessel was, when the weather would permit, in accordance with her destination as stated in her papers; but the strong gales did not permit her to touch at Santa Catherina as was intended, but compelled witness to steer for the Coast of Africa. There were no instructions for avoiding capture, or for concealing or destroying any of the vessel's papers. Manoel Antonio Ferreira da Silva is sole owner of the vessel; knows it from having the command from him: the said Da Silva is a Portuguese by birth, presently residing at Rio de Janeiro; does not know how long he has lived there or where he resided

previously; knows nothing of any bill of sale, or whether there is any such document in existence; knows nothing of the price of the vessel, or whether it be paid; believes that the vessel will belong to Da Silva if restored. There is no cargo on board, and none has been shipped since he embarked in her. The consignee at Bahia is one Carvalho; does not know his other name; he is a Portuguese, residing and carrying on business at Bahia as a merchant; does not know how long he has lived there, or where he resided previously; does not know the name or anything about the consignee at Lisbon, except that he was to receive his final orders from that person; knows nothing whatever about the last voyage. There has been no cargo shipped during the present one, nor has any slave been taken on board; after capture the vessel was taken direct to Sierra Leone; the papers delivered up are all entirely true and fair; no papers have been destroyed, concealed, or made away with; the vessel was under witness's management in regard to trade till she reached Bahia, when Carvalho was to arrange as to her further proceedings. Witness corresponds with no one respecting the concerns of the vessel; nothing has been taken out since capture; the hatches are not fitted with open gratings; they are close and of wood; the coamings of the hatchways are not bored, and there are no iron bolts or bars on board; there are three bulkheads below the cabin, store-room, and fore-castle, and there are two single sleeping-berths on deck; there are six or eight spare planks, short lengths for the repairs of the vessel, not numbered or fitted to any part of the vessel; there is no part of the slave-deck laid; there are no shackles, bolts, or handcuffs on board; there are about 50 or 55 pipes on board; does not know the quantity of water they may be capable of containing; there are no tanks or staves; these pipes were intended for holding whale-oil; does not know what quantity of water was on board at the time of capture; there are some mess-tins for the use of the crew; does not know how many; there were also about a dozen tubs, intended for salting a portion of whales in; there were two large iron boilers on board for preparing the whale-oil; there were three bags of rice and a quantity of farinha, does not know how much; also about 40 bags of beans, two or three bags of Indian corn; also a quantity of jerked beef, does not know how much; the Indian corn was for feeding fowls; the whole of the other provisions witness states were intended for the use of the crew and for no other purpose."

The second deposition was that of one of the seamen, Francisco Lopez, and although meagre and but generally confirmatory of the foregoing evidence, it was all that could be expected from the knowledge of a common sailor.

Publication was granted on the same day that the examinations were taken.

At the instance of the captor's proctor on the 6th instant a commission of survey and inspection went forth, the report under which was filed on the 9th instant; of articles of equipment, the following were found on board:—"Twenty-seven leaguers capable of containing 200 gallons of water each (Winchester measure), a quantity of water far greater than necessary for the consumption of the crew of the vessel; 15 mess-kids and 13 mess-tins, a greater number than requisite for the use of the crew; 2 boilers, 1 capable of holding 24 and the other 38 gallons, a size far greater than necessary for this vessel as a merchant-vessel; a very large quantity of jerked beef, firewood, and calavances on board, besides a great quantity of farinha in bulk, stowed in the after-run underneath the cabin-floor, an amount of provisions more than requisite for the use of the crew."

The monition having expired on the 11th instant, the Court proceeded to trial on that day, and pronounced judgment in the following terms:—

The "*Bellona*," according to her papers, was owned by Manoel Antonio Ferriera da Silva, a Portuguese by birth, but resident at Rio de Janeiro, from which place also she was despatched to Angola on a previous voyage by her owner, consigned to the very notorious Luis Antonio de Carvalho e Castro, whose place of residence is St. Paul de Loando. The history of the present adventure is sufficient in itself to show the illegality of the "*Bellona's*" voyage. It commenced at Rio de Janeiro on the 7th of November last, and, according to the owner's instructions to the master, he was to be *now* employed in the fishery, and that the oil obtained was to be delivered at Bahia to Carvalho, who was declared to be living there; and thence the master was to proceed under Carvalho's orders to Lisbon. The papers and clearance from the Portuguese Consulate at Rio accorded with the owner's instructions, and described the "*Fishery, Bahia, and Lisbon*," as the vessel's route.

On the day after this vessel had quitted Rio a convenient gale was said to have sprung up, which prevented a visit to Santa Catherina, an island close to Rio, and compelled the vessel towards the Coast of Africa. Against the effects of this gale a very formal protest was duly drawn up and signed by the principal persons on board, and the intention of visiting St. Catherine's was then abandoned. The vessel then proceeded on her voyage towards the fishery, and a whale was discovered, which the schooner's two boats had actually succeeded in harpooning, when another gale came on and rendered the abandonment of both fish and fishing tackle absolutely necessary in order to save the lives of the people. This caused, according to another of the series of protests, a total defeat of the objects of the voyage, and induced the officers and crew to resolve upon bearing up for the nearest port. Another very heavy gale was said to have been experienced on the 7th of December, which drove the vessel very conveniently within sight of the Coast of Africa, near Angola, which port it was determined should be entered, but capture took place before this intention could be executed.

Had the "*Bellona*" been uninterrupted, little doubt could have existed but that she would have entered the port of St. Paul de Loando, her real and true destination from Rio de Janeiro, for the gales and whales, which form the burthen of the protests concocted on the voyage, evidently had only an imaginary existence in the minds of the master and crew, to screen if possible the vessel, equipped as she was, from seizure. The Court therefore declared the present voyage similar to the previous one, viz. from Rio to Angola and back again. What the nature of the cargo for Rio was to have been on this occasion the equipment clearly showed.

The surveyor's report having determined the illegality of the "*Bellona's*" fittings, and she having been in a course of trade so questionable, with a character decidedly Brazilian, as well from her course of trade as from the residence of her owner, the Court pronounced the condemnation of the vessel and her cargo under the first Article of the Treaty with Brazil of November, 1826.

(Signed)

JOHN JEREMIE.

WALTER W. LEWIS.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 8, 1841.

MY LORD,

(*Received May 29.*)

WE beg leave to acquaint your Lordship, that acting Commander T. E. Symonds, of Her Majesty's sloop "Persian," seized, on the 20th of January last, the Brazilian brigantine "Nova Inveja," Francisco Antonio de Oliveira, master, when she was in the act of entering the harbour of Cabinda, on the ground of her being concerned in the Slave Trade.

The prosecution of the "Nova Inveja" on this charge was commenced on the 15th ultimo, before the British and Brazilian Court of Mixed Commission, and terminated in a sentence of condemnation on the 3rd instant, as will appear in our Report of the case herewith enclosed.

This vessel was ostensibly owned by Antonio Fernandez Coelho, of Rio de Janeiro, whence she was despatched with a cargo cleared out at St. Thomas's in the first instance, but with which she proceeded direct to Cabinda, where it was evidently to have been exchanged for a cargo of slaves.

Caetano Jozé Dias, of the island of St. Thomas's, whose connexion with the Slave Trade we drew your Lordship's attention to, when reporting in December last the case of the Brazilian brigantine "Emilia," alias "Flor de Rio," was the joint consignee with the supercargo of the "Nova Inveja's" lading.

The ostensible supercargo of the vessel was entered on her muster-roll as an apprentice only, though he appeared to have done duty during the voyage as second in command.

We have, &c.

(Signed)

JOHN JEREMIE.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 118.

Report of the Case of the Brazilian Brigantine "Nova Inveja," Francisco Antonio de Oliveira, Master.

Sierra Leone, March 8, 1841.

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

1. Imperial passport for the brigantine, dated Rio de Janeiro, 1st December, 1840, which described the vessel as proceeding to the Cape Verds, St. Thomas, and other ports on the coast of Africa. Antonio Fernandes Coelho is stated therein to be the owner of the brigantine, and the above-mentioned Oliveira, the master.

2. The muster-roll of this vessel showed that she was navigated by a crew of 14 persons, and destined for the Cape Verds, St. Thomas, and the ports of Africa.

3. An official packet, addressed by the Portuguese vice-consul at Rio de Janeiro to the chief of the customs at the island of St. Thomas, dated 1st December, 1840. Enclosed therein was a list of the cargo embarked in this vessel, and which consisted of 95 casks of aguardiente, 6 of gin, and 5 of vinegar, 10 packages of powder, 17 of muskets, 80 of cotton and other dry goods, 1 of trade knives, and 10 of jerked beef, in addition to a little wine, liqueurs, sugar, &c.

4. "Manifest of the cargo," showing the marks, numbers, and contents of each package, by whom shipped, and to whom consigned, drawn up and signed by the master, and certified by the Portuguese vice-consul on the 1st of December last. There were two bills of lading for the cargo, attached to this document, from which it appeared that the whole of the goods had been laden by Coelho, the owner of the vessel, and consigned to Jozé Pinheiro de Andrade, and Caetano Jozé Dias, with the exception of a trifling shipment by Manoel Pinto da Fonseca, for Francisco Antonio de Mideiras, of St. Thomas.

Jozé Pinheiro de Andrade, one of the above-mentioned consignees of the owner's goods, appeared in the muster-roll of the vessel as an apprentice; and the other, Caetano Jozé Dias, by a letter found on board, was shown to be a resident of the island of St. Thomas.

There are two or three trifling differences in the quantities of the cargo, on comparing this paper with No. 3.

5. Bill of health.

6. Receipt for customs dues.

7. Invoice of the cargo shipped in this vessel, describing it as of the value of 30,600 dollars, signed by Coelho, the owner of the brigantine, and consigned only to J. Pinheiro de Andrade, the ostensible supercargo.

8. The instructions of the owner to the master bore date, like the ship's papers, at Rio on the 1st of December last, and were as follows:—

"To-morrow, should the weather permit, you will proceed in my Brazilian brigantine to Cape Verds, touching at St. Thomas, and ports on the coast of Africa, where you will discharge your cargo,

if Señor Jozé Pinheiro de Andrade should so decide; and so soon as you have done this you will go to the Cape Verds, and immediately after your arrival load the vessel with salt, and return direct to this port—receiving from Senhor J. Pinheiro de Andrade, or from Senhor Caetano J. Dias, sufficient funds to load her with, and pay all expenses.”

9. The letter from the owner to the aforesaid Jozé Pinheiro de Andrade, the supercargo, as he was styled, was dated, like the above, on the 1st of December, and described the vessel as proceeding to “St. Thomas,” and ports on the coast of Africa, with a cargo, agreeably to the manifest, for him to exchange for *such articles as he could procure at Ursella*, and ivory and wax; and should he not succeed in obtaining these articles, to discharge the cargo at St. Thomas, arranging with Senhor Caetano Jozé Dias to dispose of the same, and immediately despatch the vessel to the Cape Verds, giving the captain sufficient funds to purchase a cargo of salt, and afterwards to return to Rio.”

10. To the joint consignee with Andrade, Caetano Jozé Dias, of St. Thomas, the owner writes under the like date:—“I take this opportunity of sending you, by the Brazilian brigantine ‘*Nova Inveja*,’ a cargo of various articles, agreeably to the manifest, and which I have placed at the disposal of Senhor Jozé Pinheiro de Andrade, or, in his absence, at yours, to be disposed of *at any port you may deem most desirable for the purpose*, and obtain in return ivory and wax *at Ursella*; and should there appear a probability of the vessel being delayed, you will discharge her cargo, and despatch her to the Cape Verds, where she is bound to load with salt, and return to this port.”

11 and 12. Two log-books of the voyage, one of which was kept by the master of the brigantine, who is the only officer entered on the muster-roll; and the other apparently by Andrade, the ostensible supercargo. The vessel left Rio on the 3rd of December last, and, sighting St. Helena on her way across the Atlantic, was in the act of entering the port of Cabinda, on the 11th of January last, when she was detained by the boats of Her Majesty’s sloop “*Persian*.”

There were found on board this vessel many other papers besides those herein described; but as they were chiefly personal, and all proved unimportant, it appears unnecessary to give a particular account of them.

On the 14th of February ultimo the “*Nova Inveja*” anchored in this port, and was immediately reported to the Court by the Marshal in the usual manner; and on the following day the prosecution of this vessel commenced in the British and Brazilian Mixed Commission. The ship’s papers, duly authenticated by the prize-officer, were then filed, together with the declaration of the captor; the monition issued; and the witnesses produced were ordered for examination by the registrar.

The declaration of the seizer was to the following effect:—“I, Thomas Edward Symonds, Esquire, acting commander of Her Britannic Majesty’s sloop ‘*Persian*,’ hereby declare that, on this 20th day of January, 1841, being off Cabinda, in or about latitude 5° 43’ South, longitude 11° 36’ East, I detained the brigantine “*Nova Inveja*,” sailing under Brazilian colours, commanded by Francisco Antonio Oliveira, who declared her to be bound from Rio de Janeiro to the island of St. Thomas, Cape Verds, and sundry ports on the coast of Africa, with a crew consisting of 12 men and 1 supercargo, whose names, as declared by them respectively, are inserted in a list at the foot hereof.”

The grounds of detention were then set forth at considerable length by the seizer, the substance of which was, that the hatchways of this vessel were, though not actually fitted with open gratings, prepared by grooves for their reception; and that the after-hatch had been so constructed that, by knocking out each alternate plank, it would then form an open grating; that the cabouse is more capacious than necessary; the quantity of flour, farinha, jerked beef (this is cargo), rice, and maize, was more than the crew required; that the water-casks could contain more water than was needed for the crew; and that the casks on board, said to be filled with spirits, were actually water-casks, they not being of the particular description used by merchants for holding either spirits or wine.

The examination of the master of this vessel took place on the 16th ultimo, before the Registrar, when he deposed That “he was born in Oporto. Has lived for the last 18 years in Rio de Janeiro. Considers himself a subject of Brazil; was formerly a subject of Portugal. Is married; and his wife and family reside in Rio de Janeiro. He was appointed to the command, and possession was given to him, last November, in Rio de Janeiro, by the owner, Antonio Fernandez Coelho, a resident of Rio de Janeiro, and a Brazilian subject. First saw the vessel there and then. She is American built. He was on board at the time of capture. The vessel was seized under the pretence that she was engaged in the Slave Trade. Sailed under Brazilian colours, and had no others. The vessel is called ‘*Nova Inveja*,’ and has never had any other name, to his knowledge. She is 130 or 140 tons burthen, and had 12 officers and mariners, exclusive of himself; 3 or 4 were Portuguese, all the others Brazilians; all shipped and hired by witness in Rio de Janeiro, in November last. Neither he nor any of the officers or mariners had any interest in either vessel or cargo. Was master on board. There was one passenger, Ambrozio Jozé de Lima, a Portuguese merchant, embarked at Rio in December last, for a passage to Angola. Does not know what his business might be at Angola. The said passenger had no interest in either vessel or cargo, nor any authority whatever on board. The voyage began and was to have ended at Rio de Janeiro. That was the last clearing port. From thence the vessel proceeded direct towards Cabinda. Did not anchor or touch at any port or place during her voyage. The capturing vessel was first seen 10 or 12 days after her boat had seized the ‘*Nova Inveja*.’ Capture took place as he was entering the harbour of Cabinda, about nine o’clock A.M. of the 10th of January. There was no chase. The vessel’s course was always in correspondence with her papers, the passport being for the ports of Africa as well as for St. Thomas and the Cape Verds. There is no gun mounted. There are 6 muskets and 3 or 4 cutlasses. There was no resistance made, nor were there any instructions to avoid capture, or for concealing or destroying any of the vessel’s papers. The owner of the vessel is Antonio Fernandez Coelho. Knows it from having been appointed to the command by him, and by having been so informed by the said Coelho. Does not know where he was born. He has lived many years at Rio de Janeiro, and is a Brazilian subject. Does not know where he resided before. He is unmarried. He believes there was a bill of sale, for he saw a copy in the possession of the owner. Does not know the particulars thereof, or where the said bill of sale now is. Does not know the price of the vessel, or if the same be paid. Believes in his conscience that the vessel, if restored, will belong to the said Coelho, and to no other person. There was no private agreement, to witness’s knowledge. The said Coelho is also sole lader and owner of the cargo. The consignee is Jozé Pinheiro de Andrade, the supercargo. The cargo was to have been delivered in Cabinda, on account and risk of the said owner. The said De Andrade has no interest in the cargo, which, if restored, will belong to Coelho, and to no other person. He knows nothing of the last voyage. The

cargo, on the present occasion, is rum, powder, muskets, and dry goods. No slave was taken on board during the present voyage. After capture, the vessel was taken to Sierra Leone. The papers delivered up were and are all entirely true and fair. No papers were destroyed, concealed, or made away with. He knows of the existence of no other papers in any country. There was no charter-party. He does not know whether the vessel or cargo be insured. The vessel was under the management of the supercargo, in regard to her trade. Witness corresponds with the supercargo only in regard to the concerns of the vessel or her cargo. The hatches are not fitted with open gratings. The coamings of the hatchways are not bored, or otherwise fitted to receive iron bars; and there are no iron bars on board, except flat trade bars, which form part of the cargo. There are only the divisions of the cabin and fore-castle below; and on deck there are two double sleeping-berths. There are no spare planks. There is no part of a slave-deck laid. There are no shackles, bolts, or handcuffs. There are nine pipes for holding water, capable of containing, witness believes, about 130 gallons each. There are no tanks, nor any staves. There was only a pipe and a half of water on board at the time of capture: the remainder had been consumed on the passage by the crew. There are only two mess-tubs and two tins, for the use of the crew. There is no copper or iron boiler on board. There is one bag of rice, and two or three bags of farinha, for the use of the crew. There is no maize or flour. There is a large quantity of jerked beef, forming part of the cargo."

José Pinheiro de Andrade, who appears on the muster-roll as an *apprentice*, but was described by all parties as the supercargo of the vessel, was the second witness examined on the part of the seizer. Andrade's evidence was generally corroborative of that given by the master. He, however, differed from the master in his account of the passenger on board, describing the said passenger as proceeding to St. Thomas's, and having a few articles of merchandise in the brigantine, all of which were entered in the manifest, when the master had sworn that the passenger was bound to Angola, and had no interest in either the vessel or her lading.

The assertion of Andrade that the passenger had goods entered upon the ship's papers proved to be incorrect; and thus caused a suspicion of his office of supercargo being only a nominal one.

Publication was given on the 17th ultimo.

A commission of survey was issued on the 16th ultimo, at the request of the seizer's proctor, the return to which was not filed until the following 24th, in consequence of its having been necessary to land a large part of the cargo, to afford the surveyors an opportunity of examining the vessel's hold.

The Report of the surveyors stated that they had "found four hatchways on deck, which are not more than is usual in merchant-vessels; but to the fore-hatch wooden bars were fastened underneath, which is not usual in merchant-vessels; and the after-hatchway was so formed, that by knocking out every other plank of the cover it will leave a perfect open grating; and on the outside of this hatchway there were pieces of wood fitted to receive iron bars, only to be found on board vessels equipped for the Slave Trade. Two bulk-heads—those dividing the fore-castle and cabin from the hold—which divisions are not more than necessary for the vessel as a lawful trader. Also two double bunks, or sleeping-berths, on deck. One slave-shackle bolt. Nine water-casks on board, capable of containing 1008 gallons of water, a quantity not required for the consumption of the crew of the vessel as a merchant-vessel. One night-tub, but no mess-kids or tins. Four iron kettles or boilers (cooking utensils), capable of holding 17 gallons in all, which we consider more than this vessel requires in the prosecution of lawful trade. There was nothing extraordinary in the construction of the cabouse. One bag of Indian corn, nine bundles of jerked beef, and a small quantity loose, eight bags of farinha, and a quantity of farinha mixed with biscuit, equal to about four casks—an amount of provision more than requisite for the use of the crew of a merchant-vessel."

The motion, which was issued on the 15th, was returned into Court duly certified to have been served on the 22nd ultimo; and on the following 26th the seizer's proctor declared his case closed, and petitioned for a day of trial, which was accordingly appointed for the 3rd instant.

In giving judgment herein, the Court remarked that the cargo with which the "*Nova Inveja*" had been seized was, with a trifling exception, all owned by Antonio Fernandez Coelho, a resident of Rio de Janeiro, who also appeared in the ship's papers as the proprietor of the vessel. The little addition to the cargo of the brigantine, above referred to, consisted of a shipment of seven sacks of beans, or calavances; and three boxes, the contents of which were not stated in any of the papers, and which were consigned to Francisco Antonio Mideiros, of St. Thomas's, by M. P. da Fonseca, of Rio.

The cargo of Coelho was consigned to the supercargo of the brigantine, José Pinheiro de Andrade, and, in his absence or demise, to Caetano José Dias, of St. Thomas's; and the instructions of Coelho to the master of the vessel were, that this cargo was to be discharged according as the supercargo might direct, at St. Thomas's, or other ports of Africa. These orders were confirmed in the owner's instructions to the supercargo; and it was therefore plainly to be inferred that St. Thomas's on the Line was the first port of destination for this vessel, particularly as that island was the place of residence of Dias, the joint consignee of the merchandise shipped by the owner of the vessel, as well as of Mideiros, who was to receive the goods embarked by Fonseca at Rio.

This opinion the Court considered was strongly supported by the fact of the passport naming St. Thomas's, with the other ports of Africa, as the vessel's course; and also by the Portuguese vice-consul at Rio de Janeiro having officially addressed the vessel's manifest to the Custom-house at St. Thomas's, which he would not of course have done, had not that port been represented to him as her destination in the first instance.

There did not, however, appear to have been any intention of visiting St. Thomas's, if an opinion could be formed from the course pursued by the master of the brigantine on her leaving Rio, he having taken her direct to the notorious slaving port of Cabinda. This deviation from the vessel's course the master and supercargo had attempted to explain by stating that it was authorised by the ship's papers.

The Court, however, viewed this proceeding as affording reasonable and strong grounds of suspicion respecting the voyage in which the vessel had been detained; for, had legitimate trade been the real and sole object in view, the Court held that St. Thomas's, where there is some lawful commerce, would not have been abandoned for the well-known slaving mart of Cabinda; and that, too, for the purpose of carrying to the latter place as well an assorted cargo for slave-trading as was usually seen.

The inference from these circumstances the Court observed was unfavourable to the character of the adventure.

The Court then proceeded to examine the owner's instructions to the master and supercargo of the vessel, and his letter to the joint consignee at St. Thomas's, to learn therefrom in what way the

outward cargo was to have been disposed of, and of what the return for that cargo was to have consisted.

The orders to the master were to discharge the goods laden at Rio, according to the supercargo's wishes, either at St. Thomas's or some other African port; and then to proceed to Cape Verds for salt for the Rio market. These orders were confirmed in the instructions to the supercargo; and it was added in the latter that the outward lading was to be bartered for *such things as could be procured at Urzella*, and for wax and ivory. In the letter to Dias, the conditional consignee who resides at St. Thomas's, he is directed to dispose of the Rio cargo *at any port he may think desirable*, but he is, nevertheless, to obtain in return the wax and ivory *at Urzella*; and is told that if any delay in so doing appears likely to occur, he is to discharge the said cargo at St. Thomas's, and then send the vessel to the Cape Verds for salt. Dias was therefore plainly instructed to return the detained vessel to Rio laden with wax and ivory; and in the event of his being unable to do so promptly he was only then instructed to send her to the Cape Verds for salt, whilst the master is positively directed to carry back salt to Rio.

These uncertain and in part contradictory orders from the owner of the vessel having been all written on the same day, the Court was of opinion afforded anything but satisfactory proof of the correctness of the writer's intentions. For, had he had only plain orders to issue for a lawful commercial voyage to the coast of Africa, he could of course have made his three sets of instructions in perfect accordance with each other; and, his having failed to do so, the circumstance must be viewed as another unfavourable feature in the character of the adventure.

The Court also remarked that Andrade, who had been described by all parties as the supercargo of this vessel, was, according to the muster-roll, an apprentice on board—a fact which both he and the master had suppressed when giving evidence. Connecting that fact with the contradictory accounts given by the master and Andrade of De Lima, the passenger who was found on board, with the ignorance displayed by Andrade respecting the extent of the cargo and the contents of the ship's papers, as well as with the fact of his having done duty apparently as second in command, and kept a log of the voyage, the Court concluded that Andrade's office of supercargo was only nominal; and as De Lima had not an official passport as a passenger, that he was in reality the supercargo.

In respect to this vessel's equipment, the Court remarked that the surveyors' report had proved she had more divisions on deck than were necessary for her as a merchant-vessel, there being the regular cabin and fore-castle accommodation below; that, the after-hatchway was unlawfully fitted for a merchant-vessel, whilst the other hatches were so fitted as to lead to suspicions unfavourable to the character of the vessel; that there were 168 gallons of water more than the 14 persons forming her crew needed for a passage of 60 days; and that there was more maize, farinha, and biscuit than was requisite for the crew, and which formed no part of the cargo. These circumstances were considered as evidence of the intention of the parties concerned in the "*Nova Inveja*" to violate the provisions of the Treaty between Great Britain and Brazil; and, to prevent their operating injuriously, the master should have shown that the said articles and fittings were for lawful purposes only; but this he had neglected to do.

The Court, in alluding to the fact of a long slave-shackle bolt and a slave night-tub having been found in this vessel, observed that such articles must be presumed to have been left on board from a previous slaving voyage, and that the reasonable inference from their presence in this voyage was, that the object on both occasions was the same.

On taking the whole of these circumstances into consideration, the Court declared that they must be held as furnishing satisfactory evidence of the intentions of those concerned in the "*Nova Inveja*" to employ her otherwise than in lawful commerce; and drawing the only inference which seems reasonable, from the fact of her having been employed to carry, contrary to the terms of her ship's papers, a particularly well-assorted cargo for the Slave Trade to one of the most notorious slave ports on the Coast, and from her having been partly equipped in a manner peculiar to vessels engaged in that trade, the Court decided that she had been concerned in the illicit traffic, and accordingly decreed the confiscation of this vessel and her cargo.

(Signed)

JOHN JEREMIE.
WALTER W. LEWIS.

No. 119.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 18, 1841.

(Received May 29.)

MY LORD,

IN this Despatch we beg leave to enclose our Report of the case of the Brazilian schooner "*Bom Fim*," Jozé Pinto de Araujo, master, seized by Her Majesty's sloop "*Persian*," to the south of the Equator, on the 20th of January, 1841, and condemned here for illegal equipment on the 10th instant.

This small vessel, although only 55 tons burthen, was navigated by a crew composed of no less than 11 persons; and carried on her unlawful trade between Rio de Janeiro and the ports of Southern Africa. Had she been successful, it would have been difficult to have calculated the sum of wretchedness and misery which her human cargo must have undergone in the unusually close confinement of this vessel's hold during a Transatlantic voyage. That the Slave Trade formed the object of the expedition there could be no doubt; the presence of illegal fittings, the numerous crew, the nature and route of the voyage, one and all amply testifying to such an intention.

After the Marshal had discharged the cargo of the "*Bom Fim*" for sale, he discovered two pipes of water, each containing 120 gallons, which had been stowed away in the ground-tier of the pipes of rum, and, being thus mixed up with the spirits, neither the Marshal nor the Surveyors had detected them until sentence had passed upon the vessel.

The owner, Jozé Bernardino de Sá, has on two previous occasions attracted our attention as an active slave-trader. In 1834 he disposed of the "*Maria de Gloria*" (adjudicated here in that year) to Anastacio Jozé Ribeiro, at Rio de Janeiro. More recently he appeared as the owner of the brig "*Republicano*," condemned here on the 5th of June, 1840.

We have, &c.

(Signed)

J. JEREMIE.

WALTER W. LEWIS.

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

Enclosure in No. 119.

Report of the Case of the Brazilian Schooner "Bom Fim," Jozé Pinto de Araujo, Master.

Sierra Leone, March 18th, 1841.

At the time of the seizure of this vessel there were found on board of her the following papers for the voyage:—

1. Passport.
2. Muster-roll.
3. Manifest and bills of lading of cargo.
4. Consul's sealed list of cargo.
5. Certificate of tonnage.
6. Bill of health.
7. Customs' receipt.

These papers all bore date at Rio de Janeiro on the 12th or 13th of November, 1840, excepting only the certificate of tonnage, which was granted on the 30th of August, 1837. Their contents showed that the schooner was owned by Jozé Bernardino da Sá, of Rio, was 55 tons burthen, commanded by the above-named Araujo, bound to the Island of St. Thomas by the way of the southern ports of Africa, with a cargo of bale goods and spirits; in addition to a very large supply of farinha, beans, and jerked beef; all shipped by Manoel Antonio da Silva, and consigned, according to the manifest, the bale goods and spirits to Luis da Costa Ferreira, or, in his absence, to Felipe da Cunha Val; and the slave-provisions to the said master. In the bills of lading the said bale-goods and spirits had a third consignee in the person of the master himself. The Portuguese Vice-Consul's sealed list of the cargo was addressed to the Custom-house at St. Thomas's alone, evidently under the impression that the schooner was going direct to that island in the first instance.

It is worthy of remark that the bills of lading give no certain place of residence for the ostensible consignees of the bale goods and spirits, and that, although there was a large number of papers seized in the schooner, there was not a line to be found advising the said consignees that the schooner was nearly full of merchandise for them.

8. Protest of master.
9. Log-book of the master.
10. Ditto of mate.

The protest was made on the 22nd of November, 1840, against the effects of a gale of wind, which was said to have damaged both vessel and cargo. The master's and mate's logs did not, however, bear out the protest, as it was observed that the day of the gale, according to the protest, was very fine by the log, the schooner having gone from three to four knots all day before the Trade wind. That the vessel was leaky was shown by the condition in which the cargo arrived here; but this condition was in no way the result of bad weather according to the two log-books, and the protest must therefore be considered of very questionable character.

Jozé Pinto de Araujo had been formerly master of the "*General Cabreira*" in 1838, and made a voyage between Rio and St. Paul de Loando, as appeared by two of his old log-books found in the schooner; and had also commanded the sumaca "*Vencedora Feliz*," formerly the "*Panção Feliz*," which he cleared out at Rio for the Cape Verds, but conveyed direct to Benguela, and thence back to Rio during last year.

There were several official and private papers connected with the above-mentioned voyage of the "*Vencedora Feliz*" also found, but they failed to afford any further insight into the real character of that voyage than showing that she carried out 33 pipes in shakes, which were landed at Benguela to be set up; and it is only reasonable to suppose they were to hold water for a cargo of slaves, seeing that the vessel had gone out of her official route as far to the south of the Equator as she ought to have proceeded to the north.

The remainder of the papers seized proved to be generally unimportant, and many very old.

On the 2nd of the present month of March the Marshal reported the arrival in this harbour of the detained schooner, and on the following day her prosecution commenced in the British and Brazilian Court of Mixed Commission. The ship's papers, authenticated by the prize-officer, were, with the captor's declaration, then filed, the usual monition issued, and the witnesses produced ordered for examination by the Registrar.

The declaration of Acting-Commander T. E. Symonds, of Her Majesty's sloop "*Persian*," was to the effect, that, on the 20th of January, 1841, he detained the schooner "*Bom Fim*," in a voyage from

Rio de Janeiro to various ports on the Coast of Africa, in consequence of the said schooner having an illegal equipment in respect to water-casks, slave-provisions, and kits, and in having her hatchways illegally fitted.

On the 4th instant the master of this vessel was examined on the standing and special interrogatories, and deposed That "he was born at Vianna, in Portugal; has lived for the last 31 years with his wife and family at Rio de Janeiro. Is a subject of Brazil; was formerly a subject of Portugal. Was appointed to the command and possession was given to him, at Rio de Janeiro in October last by the owner, Jozé Bernardino da Sá, a resident of Rio de Janeiro and a Brazilian subject. First saw the said vessel there and then; she is Brazilian built. Was present at the time of capture; does not know under what pretence the vessel was seized; sailed under Brazilian colours, and had no others. The vessel is called the '*Bom Fim*,' and has never had any other name to witness's knowledge. She is 55 tons burthen, and had 10 officers and mariners, exclusive of witness, all Brazilians, shipped and hired by the owner at Rio de Janeiro in October and November last. Neither he nor any of the officers or mariners had any interest in vessel or cargo; was master on board; there was no passenger. The voyage began and was to have ended at Rio de Janeiro—that was the last clearing port; from thence the vessel proceeded towards St. Thomas's, but did not touch or anchor at any port or place previously to her capture. The capturing vessel was first seen 17 days after her boat had seized the '*Bom Fim*.' Capture took place on the 12th of January, between Loando and Molembo, and within sight of land; there was no chase; it was calm; the vessel's course was always, weather permitting, for the port of her destination, but foul winds did not allow of his steering direct for St. Thomas's, but compelled him in the first instance to make the Coast of Africa. There is no gun, nor any arms, nor ammunition; there were no instructions for concealing or destroying any of the vessel's papers. The owner is Jozé Bernardino da Sá; knows him to be the owner from the vessel's papers; he is a Portuguese by birth, but a naturalized Brazilian, and has lived at Rio de Janeiro for many years; the said owner is not married; does not know where he lived before he resided at Rio. He knows nothing of any bill of sale, or the price of the vessel, or whether the same has been paid; believes the vessel, if restored, will belong to the said Jozé Bernardino da Sá, and to no other person; knows nothing of any private agreement. Part of the cargo was laden by and belongs to the owner of the vessel, and part was laden by and belongs to other merchants of Rio de Janeiro, whose names he does not remember, but saith they are stated in the manifest. The consignees at St. Thomas's were one Felipe and one Luis, of whom he knows nothing further. The cargo on board was to have been delivered at St. Thomas's on the account and risk of the said Jozé Bernardino da Sá and the other laders thereof, and, if restored, will belong to them and to no other persons; knows nothing of the former voyage; the lading on the present occasion consists of aguardiente, dry goods, and provisions; no slave was taken on board during the present voyage. After capture the vessel was taken into Cabinda, and afterwards brought into this port; the papers found on board are all perfectly true and fair; no papers were destroyed, concealed, or made away with; there was no charter-party that he knows of; does not know whether the vessel or cargo be insured; the vessel was to have been under the management of the consignees whom he has named in regard to her trade; witness corresponds with no person with regard to the vessel or her cargo. The hatches are not fitted with open gratings; the hatchways are not bored, and there are no iron bars in the vessel; there are the divisions of the cabin and forecabin only below, and on deck there are two single sleeping-berths; there are no spare planks; there is no part of a slave-deck on board; there are no shackles, bolts, or handcuffs on board; there are five or six little casks and eight or nine pipes capable of containing altogether about ten pipes of water; there are no tanks or staves or other means of conveying water; at the time of capture there was about a pipe and a half of water on board, which was not considered sufficient to supply the vessel to Sierra Leone, as three pipes were afterwards put on board by the man-of-war; there are three mess-tubs for the use of the crew; there are only two or three small coppers used by the crew for cooking their provisions; there were three bags of rice and thirteen of beans; the rice was for the use of the crew, and the beans were part of the cargo; there were also about thirty bags of farinha, part of the cargo, and a small quantity of jerked beef for the use of the crew."

Antonio Marques Vianna, the cook of this vessel, was the second witness examined, and proved generally uninformed in respect to the vessel, as well as to her cargo. He however confirmed the testimony of the master as to the equipment of the vessel, but assigned as the reason of her being so much "out of their course (for the island of St. Thomas), that the captain had said, by running into the coast, they would get a more favourable wind to take them to that island."

Publication was granted on the 4th instant.

The report of the surveyors, who had been appointed on the 3rd instant to examine the fittings and equipment of this vessel, was not received until the 9th instant, owing to the delay occasioned by having to land a considerable portion of the cargo. The surveyors reported That they "found close hatches, such as are usual in merchant-vessels, with the exception of the main-hatch, which was of unusually large dimensions, being 9 feet in length. The hatches are not more in number than necessary. They found two bulkheads, those dividing the cabin and forecabin from the hold, which divisions are not more than necessary for the vessel as a lawful trader. They also found two loose bunks or sleeping-berths on deck. They found 16 water-casks capable of containing 1540 gallons of water, a quantity far exceeding what is necessary for the consumption of the crew of this vessel as a lawful trader; they found eight mess-kids, a quantity more than necessary for the crew; they found one shackle-bolt; they found ten bags of calavances, 13 bags of farinha, besides a very large quantity in bulk stowed away in the cabin, two bags of Indian corn, and a large quantity of jerked beef, forming an amount of provisions much greater than necessary for the consumption of the crew of this vessel as a lawful trader."

The monition which had been issued in this case on the 3rd was returned into Court on the 10th instant, and on the same day the captor's proctor closed his proceedings, and prayed for adjudication.

The Court assembled for the trial of the "*Bom Fim*" on the 13th instant, and, in giving judgment, observed that the surveyors' report had proved that she was illegally equipped in three respects, namely, in having more divisions on deck than necessary for a lawful trader, an excess of mess-kids, and more water-casks than were requisite for the use of the crew; and, as no sufficient explanation had been offered by the master respecting this questionable equipment, the Court held the captor's charge against the "*Bom Fim*" proved.

It was also observed that were it important to assign additional reasons for the Court pronouncing

this vessel to have been engaged in the Slave Trade when seized, they would be satisfactorily found in the fact of the owner of the vessel being notoriously concerned in the Slave Trade; in the contradictions given to the official manifest and bills of lading by the master in his evidence; in the circumstance of a very large quantity of slave-provisions being covered as cargo by the name of the master as their consignee; in the manifest having been interpolated in respect to the vessel's destination, and in several other false and fraudulent proceedings which the Court would not recapitulate.

The sentence of the Court was, that the "*Bom Fim*" and her cargo were good and lawful prize to the Crowns of Great Britain and Brazil.

(Signed)

J. JEREMIE.
WALTER W. LEWIS.

No. 120.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, April 12, 1841.**(Received June 16.)*

MY LORD,

WE have the honour to report herewith the case of the Brazilian schooner "*Juliana*," owned at, and sailing from Bahia, on a voyage ostensibly to Fayal for emigrants or colonists, but really to the coast of Africa for a cargo of slaves. The seizure took place off Whydah, on the 12th of February, 1841; Her Majesty's brigantine "*Buzzard*" having fallen in with the "*Juliana*" in that latitude, and found her equipped for the Slave Trade.

The prosecution of the prize began on the 26th ultimo, and ended on the 6th instant, with the confiscation of the vessel and cargo.

In pronouncing sentence in this case the Court felt bound to deprecate a departure from the 8th section of the Instructions to Cruisers, which had appeared in this case, from the captor having sent but one witness up in his prize. The difficulties likely to arise from such a practice are so manifold, that, to obviate them in future, the proctor was directed to communicate this irregularity to his client with a view to prevent a recurrence of it.

We have, &c.

(Signed)

WALTER W. LEWIS.
L. HOOK.

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

Enclosure in No. 120.

*Report of the Case of the Brazilian Schooner "Juliana," Daniel Flintes Coelho, Master.**Sierra Leone, April 12, 1841.*

THE "*Juliana*" sailed from Bahia, the residence of her Brazilian owner, Joaquim Rodriguez Pinto, in December, 1841, on an ostensible voyage to Fayal, in the Azores. The ship's papers consisted only of

1. Imperial passport;
2. Muster-roll;
3. Bill of Health;

dated severally on the 11th, 9th, and 12th of December, 1840, at Bahia. The two last agree as to Fayal being the vessel's destination; whilst the passport is silent on the subject. The vessel is American-built, 108 tons burthen, and navigated by a numerous crew of 26 persons. If any faith is to be placed in the master's statements, the course of the voyage was somewhat singular and unusual. Instead of the direction to Fayal being pursued, where it is said that emigrants would be embarked for Brazil, the vessel, impelled by calms and currents, made the coast of Africa, near Cape Palmas, and was eventually driven on by the same causes as far as Whydah. Her Majesty's brigantine "*Buzzard*" fell in with the "*Juliana*" on the 12th of February, 1841, and detained her for being equipped for the Slave Trade.

The Marshal reported the arrival of the prize on the 26th of March; and on the same day the captor's declaration, the three ship's papers, and the affidavit of seizure were filed, the monition issued, and the evidence directed to be taken. The declaration is to the following purport:—"I, Reginald Thomas John Levinge, Lieutenant, Royal Navy, and commander of Her Britannic Majesty's brigantine '*Buzzard*,' hereby declare that on this 12th day of February, 1841, being in or about latitude 5° 41' north, longitude 2° 39' east, I detained the schooner named the '*Juliana*,' sailing under Brazilian colours, armed with no guns, commanded by Daniel Flintes Coelho, who declared her to be bound from Bahia to Fayal, with a crew consisting of 26 men, and being equipped for the Slave Trade, having a slave-deck laid, a large quantity of fresh water in leaguers and casks; also a large quantity of rice, farinha, and jerked beef; a quantity of tins such as are used in slave vessels for feeding slaves.

"And I further declare that I seized this vessel as a Brazilian vessel employed in the Slave Trade."

Only one witness, the master, had been sent up by the captor, a measure much to be deprecated both as a departure from the Treaty between Great Britain and Brazil, and as a very probable cause of curtailing evidence to an extent which might involve a case in many difficulties. In this instance,

however, the master's ready admissions of guilt saved the prosecutor from the obstacles which, from his own omission, might have been anticipated. The Registrar examined Daniel Flintes Coilho on the 27th ultimo. His deposition was as follows:—"Was born in Bahia, and has always lived there. Is a Brazilian subject, and has never served any other state. Was appointed to the command and possession given to him at Bahia in December, 1840, by Joaquim Rodriguez Pinto, the owner and the resident of Bahia, and a Brazilian subject. First saw the vessel at Bahia about two years since; she is American-built. Was present at the time of capture. Does not know for what reason she was seized. Sailed under Brazilian colours, and had no others. The vessel is called '*Juliana*,' and has never borne any other name to witness's knowledge. She is of 108 tons burthen, and had 25 officers and mariners, exclusive of witness, at Bahia in December last. Neither he nor any of the officers or mariners have any interest in the vessel or her lading. Was master on board. The last clearing port was Bahia; and the voyage commenced and was to have ended there; from thence the vessel proceeded towards Fayal, but was driven by the currents to the coast of Africa, near Cape Palmas, whence calms and currents carried her till off Adjudah (Whydah); but no communication took place between the said vessel and the shore during the present voyage. The capturing vessel was first seen about 30 miles outside of Adjudah, at about 4 P.M. on the 12th of February last; capture took place about 9 P.M. of the same night. The vessel was steering for Adjudah at the time her course was altered, and additional sail was hoisted, because witness had heard that all vessels found on the Coast by English men-of-war were captured. The course of the vessel was always, wind and weather permitting, to the port to which she was destined by her papers; but she was carried to the southward by currents and calms, and was proceeding towards Adjudah for provisions when captured. There were no instructions for concealing or destroying any of the vessel's papers. The owner of the vessel is Joaquim Rodriguez Pinto; knows it from having been appointed to the command by him. The said owner is a native of Bahia, and resides there with his wife and family. There is a bill of sale from the former owner (an American, whose name witness does not recollect) to the said Joaquim Rodriguez Pinto. Does not remember the date, or witnesses' names or price; last saw the said bill of sale in the owner's possession at Bahia, in November last. Believes the sale to have been a true one. Does not know of any private agreement. There is no lading on board the vessel. The only consignee was a person at Fayal, whose name he does not remember, but to whom he had a letter from the owner, which he lost going on board the man-of-war on the night of capture. The vessel was going to Fayal for colonists or emigrants from that island to Bahia. Knows nothing of the lading of the vessel on the former voyage. There was no cargo shipped on the present occasion. No slave was taken on board during the present voyage. After capture she was taken into Adjudah, and thence to Sierra Leone. The papers delivered up were and are all true and fair; no papers were destroyed, concealed, or made away with. Knows of the existence of no other papers than those he had mentioned in any country relating to vessel or cargo. The vessel is not insured; she is under the management of witness in regard to her trade, and witness corresponds with the owner only regarding her. Nothing was taken out of the vessel at the time of capture. Nothing has been taken out of the vessel since her arrival in this port. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit them; does not know for what purpose; found them on board the vessel when he joined her. There are below the divisions of the cabin, steerage, and fore-castle, and on deck two single sleeping-berths fixed in the deck. There are some spare planks, perhaps 30 or 40; they are rough, and not marked or numbered, and were intended for the passengers to lay upon. There is no part of a slave-deck laid. There were no shackles, bolts, or handcuffs. There are about 12 large casks and a number of small ones, capable of containing altogether about 40 pipes, all filled with fresh water at the time of capture for the purpose of ballasting the vessel. There are about 30 mess-tins for the use of the vessel. There is a large iron boiler on board intended for the use of the passengers to be shipped at Fayal. There was about half a barrel of flour and one bag of rice for the crew, and about 80 or 90 bags of farinha, 8 bags of beans, 15 or 16 cwt. of jerked beef, and 18 bags of Indian corn, for the use of the passengers from Fayal."

On the same day publication of the foregoing evidence was granted at the instance of the captor's proctor. A commission for the survey and inspection of the "*Juliana*" went forth on the 27th of March, and the report under it was dated and filed on the 1st of April, 1841. The surveyors found three close hatches, a number not more than sufficient for a merchant-vessel; but the coamings of the main-hatchway were bored for the reception of iron bars; also 12 round hatch-bars on board, which fit the holes of the above combings. Two bulk-heads separating the fore-castle and cabin from the hold, which divisions are not more than necessary for the vessel as a lawful trader, and single bunks or sleeping-berths on deck; a slave-deck partly laid. Thirty-six water-casks capable of containing 4640 gallons of water—a quantity much more than necessary for the consumption of the crew of the vessel as a merchant-vessel. Two night-tubs on board; two boilers capable of holding 50 gallons, which is more than requisite for the use of the crew as a merchant-vessel. A very large quantity of farinha, calavances, and Indian corn in bulk on board, being an amount of provisions more than necessary for the use of the crew of the vessel as a merchant-vessel.

The monition having become due on the 3rd of April, the captor's proctor presented a petition for a day of trial, which was named for the 6th instant. From the report of survey, as above quoted, the Court could entertain no doubt as to the unlawful equipment of the "*Juliana*," and, fully satisfied upon this point, pronounced the confiscation of the vessel and cargo for a breach of the Brazilian Convention.

(Signed)

WALTER W. LEWIS.
L. HOOK.

No. 121.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, April 12, 1841.**(Received June 16.)*

MY LORD,

WE have the honour of reporting to your Lordship that the Brazilian brigantine "*Orozimbo*," Mathias Jozé de Carvalho, master, was captured on the 8th

of January last, off the harbour of St. Paul de Loando, in the act of attempting to escape from Her Majesty's sloop "Fantôme" and the brigs "Waterwitch" and "Brisk;" to which cruisers the "Orozimbo" was declared a good prize on the 6th instant.

Our Report of this case we herewith enclose for your Lordship's information.

The "Orozimbo" did not reach this harbour until the 28th of March ultimo, owing chiefly to the unfortunate death of Lieutenant Clayton, the prize-officer, from an attack of fever, not very long after leaving the capturing ships.

This vessel belonged to the port of Rio de Janeiro, where her owner, Antonio Moniz Alves Branco, resides.

In this instance capture was attempted to be avoided, first by running for the port of Loando, as above-mentioned, and ultimately by the production of a clearance and other Custom-house papers from Loando for Montevideo, whither it was alleged the brig was proceeding to deliver farinha, beans, and jerked beef; the latter article being a staple production of Montevideo. This artifice was readily seen through by the experienced officer in command of the "Fantôme;" and an examination of the "Orozimbo's" equipment soon confirmed his opinion of her being engaged in the Slave Trade.

On board of this vessel, in the character of second mate, was found José Antonio Soares d'Araujo, who was lately acting as supercargo of the condemned Brazilian brig "Onze de Novembro." On this occasion he had also a passenger's passport, which stated he was proceeding to Cabinda on business, at which port there can be little doubt it was the intention to have embarked the slaves of the "Orozimbo."

Instead of the usual wooden mess-kits found on board slave-vessels, the "Orozimbo" was provided with little wicker baskets, which appeared well calculated to answer the purpose for which they were intended.

It will be observed by our report of this case, that a bond of 400 milreis was entered into at the Custom-house of Loando by the consignee there, Arçenio Pompilio Pompeo de Carpo, and the master of this vessel, that she should not be employed in the Slave Trade; at the same time, however, she was allowed to clear out nearly fully equipped in every respect for that traffic.

We have, &c.

(Signed)

WALTER W. LEWIS.
L. HOOK.

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

Enclosure in No. 121.

Report of the Case of the Brazilian brig "Orozimbo," Mathias José de Carvalho, Master.

Sierra Leone, April 12, 1841.

THIS vessel was seized by Her Majesty's sloop "Fantôme," on the 8th of January, 1841, on a charge of being concerned in the Slave Trade, and was placed under the charge of the second lieutenant of that ship, Mr. Clayton, for conveyance to this port for adjudication. A parcel of papers, in number 58, connected with this prize were intrusted to Mr. Clayton, but under what particular circumstances we have been unable to learn, owing to the demise of that gentleman on the 7th of February last whilst on the voyage hither.

Of the 58 papers alluded to, the master, at his examination in chief, acknowledged 26 as belonging to the vessel, and which are as follows:—

1. Passport dated Rio de Janeiro, September 11, 1840, for this vessel, which is described as being owned by Antonio Moniz Alves Branco, commanded by the said Mathias José de Carvalho, and bound thence to Angola and Benguela. The endorsements upon this document show that she was at Benguela on the 23rd of October, 1840; proceeded thence to Loando on the 10th of November; was at Angola on the 17th of November, whither she is said to have gone under protest; and that she cleared out at that place for Montevideo on the 23rd of December, 1840.

2. Muster-roll, dated at Angola on the 23rd of December, 1840, showing that the brig carried a crew of 19 persons, and was bound for Montevideo, as above-mentioned.

3. Manifest of the cargo prepared by the master of the vessel, and authenticated by the Customs at Loando, dated 23rd December. The cargo, which consisted of the following articles, was shipped by Arçenio Pompilio Pompeo de Carpo, the alleged consignee at Loando, and consigned to various persons agreeably to the bills of lading annexed to this document:—

- 600 mats.
- 6500 billets of wood (fire-wood).
- 400 measures of farinha, and some trifles consigned to various persons besides.
- 200 measures of farinha.
- 60 arrobas salt meat (jerked beef),

which latter were to the order of the master.

4. Bill of health.
 5. Receipt for port charges.
 6. Certificate dated Loando, December 23rd, 1840, that the above-mentioned Pompeo, the consignee, had been jointly bound with the master, under a penalty of 400 milreis, that no one should be embarked without a passport, and that the vessel should not be engaged in the Slave Trade.
 7. Certificate that the consignee had offered security for the master faithfully delivering the 600 mats embarked in the brig at the port of her destination.
 8. Receipt for port dues.
 9. Protest, dated at sea, January 8, 1841, against the consequences of having to return into the port of Loando, on account of the illness of Antonio Joaquim da Silva Porto, one of the passengers on board. This protest would seem to have been framed merely as an excuse for running back into port on being chased by her Majesty's sloop "Fantôme."
 10. Fort pass.
 - 11 and 12. Receipts for port charges.
 13. A list of the cargo corresponding with No. 3, addressed by the Custom-house at Loando to the Portuguese Consul at Montevideo.
 - 14 to 20. Letters addressed to José Francisco de Chagas, who appears as first mate of this vessel on her muster-roll. They are chiefly letters from the father of Chagas on private family matters. In one letter, however, the father instructs the son to receive from Senhor Britto, of Angola, the value of a pipe of spirits, with which he is to purchase a slave.
 - 21 to 26. Manuscript navigation books.
- Of the remainder of the 58 papers found in this vessel it appeared that Nos. 27 to 30 belonged to the said first mate, and were entirely of a private character.
- 31 to 41 belonged to João Antonio Soares d'Araujo, who was entered on the muster-roll as second mate.
- 42 to 57 were miscellaneous papers; and
- 58 was the log-book of this vessel for the voyage in which she had been detained.

Among the papers belonging to the second mate, Soares d'Araujo, there appeared to be only three which called for any description; one of which was a memorandum by the said Soares, of the date on which he sailed from Rio, in the Brazilian brig "*Onze de Novembro*," and of that on which the said brig was captured by Her Majesty's sloop "Fantôme;" the second was a certificate from the Governor of Loando, that Soares had, on the 18th of November, 1840, appeared there, and represented the circumstances of the capture of the said Brazilian brig; and the third an official passport for Soares to proceed as a passenger to Cabinda on business.

The miscellaneous papers afforded very little information indeed; one only of the letters from Antonio Maciel at Angola, to Antonio Gomez Moreira of Rio de Janeiro, proving their connexion with the Slave Trade; and a log-book of the brig "*Fortuna*," showing that she made a voyage last year between Rio and Loando and Benguela.

On the 28th of March the "*Orozimbo*" arrived in this harbour, and was reported by the Marshal. The captor's proctor libelled his case in the British and Brazilian Court on the 30th, and then filed the vessel's papers with an affidavit of the facts of the seizure, made by one of the prize-crew, in consequence of the death of Lieutenant Clayton; as well as the captor's declaration. The monition at the same time issued, and orders were given for the examination of the witnesses.

The declaration of Commander E. H. Butterfield, which is witnessed by the commanding officers of Her Majesty's brigs "Waterwitch" and "Brisk," shows that the capture took place on the 8th of January, 1841, in latitude 8° 40' south, longitude 13° 0' east; the "Waterwitch" and "Brisk" being in company; that the prize was then sailing under Brazilian colours, and commanded by Mathias José de Carvalho, who declared her to be bound from St. Paul de Loando to Montevideo; and that she carried the undermentioned articles of equipment, which constituted the grounds of capture, namely, more than the required number of bulk-heads; an unnecessary quantity of water and a number of water-casks; "mess-baskets" instead of mess-tubs or kids for feeding slaves; an extraordinary quantity of rice, beans, farinha, and Brazil beef; a large quantity of fire-wood; and sufficient matting to serve the purposes of a slave-deck. At the close of this paper Captain Butterfield declares "that the prize made every effort to evade capture; that, on being chased, she steered for the harbour of St. Paul de Loando, the master giving as a reason for so doing that one of his passengers was sick, and produced a protest signed by himself and crew on the morning of capture, a subterfuge well known in Slave Trade transactions."

The Registrar examined the witnesses on the 30th ultimo, when the master, Mathias José de Carvalho, deposed that "he was born at Santa Catherina, in Brazil. Has lived for the last 18 years at Rio de Janeiro. Is a subject of Brazil, and has never served any other state. Was appointed to the command and possession given to him at Rio de Janeiro in August, 1840, by the owner, Antonio Moniz Alvez Branco, a resident of Rio de Janeiro and a Brazilian subject. First saw the vessel there and then; believes she is English built. Was on board at the time of capture. Does not know for what reason the vessel was seized. Sailed under Brazilian colours; there were also an English ensign and a Portuguese flag, which he found on board the vessel when he took the command. The vessel is called '*Orozimbo*.' Never heard of any other name. She is 192 tons burthen; and had 18 officers and mariners, exclusive of witness, chiefly Brazilians. There were a few Portuguese, part shipped and hired by witness at Rio de Janeiro, in August last, and part at St. Paul's de Loando, in December. Neither he nor any of the officers or mariners had any interest in vessel or cargo. Was master on board. There were two passengers, Portuguese merchants; does not remember their names; they embarked in Loando in January last, for a passage to Montevideo. Does not know what their business might be at Montevideo. Neither of them had any authority on board or interest in either vessel or cargo. The voyage began and was to have ended at Rio de Janeiro. St. Paul's de Loando was the last clearing port; from Rio the vessel proceeded to Benguela, where part of the cargo was discharged, and the vessel remained a month and took in farinha and beans for Montevideo, whither she was proceeding when captured. The capturing vessel was first seen about 40 leagues to the northward of St. Paul's de Loando, at about eight A.M. of the 8th of January, and capture took place about an hour afterwards; there was no chase; the vessel was steering for Montevideo at the time, and her course was not altered nor any additional sail hoisted on the appearance of the capturing vessel. The vessel's course was always, wind and weather permitting, in accordance with her papers. There were no

instructions to escape or avoid capture or for concealing and destroying any of the vessel's papers. The owner of the vessel is Antonio Moniz Alvez Branco; knows it from having been given possession of the vessel by the said Branco. The said Branco is a Brazilian by birth, and has always resided at Rio de Janeiro, where his wife and family also live. Knows nothing of the bill of sale, and has never seen one. Knows nothing of the price of the vessel. Believes if the vessel be restored she will belong to the said A. M. A. Branco. The cargo shipped at Rio belonged to different merchants there, whose names he does not remember; there is none of it now on board; the only lading is farinha and beans, which were shipped by and belonging to Arcenio Pompilio de Carpo, a Portuguese merchant, residing and carrying on business at St. Paul's de Loando, who was also the consignee of the vessel, and they were to have been delivered at Montevideo on the account and risk of the said De Carpo. Does not remember the name of the consignee there. Knows nothing of the former voyage. The lading shipped at Rio consisted of rum and dry goods, which were all delivered at Benguela and St. Paul's de Loando. The present lading is farinha and beans. No slave was taken on board during the present voyage. After capture the vessel was taken to Sierra Leone. The papers numbered from 1 to 20, and from 53 to 58 inclusive, belong to the vessel, and are all true and fair; the documents exhibited to him, numbered 21 to 52 inclusive, witness declares he knows nothing about, and that he had never seen them previously to his examination. No papers of any description were concealed, destroyed, or made away with. Knows of the existence of no other papers relating to vessel or cargo. There was no charter-party. Does not know whether the vessel or her lading be insured. The vessel was under his sole management in regard to her trade, and witness corresponds with the owner of the vessel as regards what concerns her, and with De Carpo relating to the lading on board. Bulk was broken, the whole of the former cargo having been discharged. Nothing was taken out of the vessel at the time of capture or since. The hatches are not fitted with open gratings. The hatchways are not bored, and there are no iron bars. There are the bulkheads of the cabin and fore-castle below, and on deck there are six sleeping-berths, three on each side. There is no spare plank. There is no part of a slave-deck laid. There are no shackles, bolts, or handcuffs. There are 13 large and 3 or 4 small casks capable of containing altogether about 15 pipes; all filled with fresh water at the time of capture. Does not consider that there was a larger quantity of water on board than was necessary for the consumption of the crew and two passengers, witness's vessel being an extremely dull sailer. There were three or four mess-tubs for the use of the crew. There was no iron or copper boiler. There was no rice or maize on board; there were about 50 bags of farinha and 10 of beans; cargo shipped for Montevideo."

The second witness, Ignacio da Natividade, the cook of the said vessel, corroborated the master's evidence as far as his knowledge of facts, which was but slight, extended.

Publication of the above evidence was granted on the 31st ultimo.

The captor's proctor having petitioned for a survey on the vessel, the report thereof was received and filed on the 1st instant. The surveyors reported that they found "close hatches, such as are usual in merchant-vessels, and not more in number. Two bulk-heads, those separating the fore-castle and cabin from the hold, which divisions are not more than necessary for the vessel as a lawful trader, and two treble bunks or sleeping-berths on deck. No spare plank or slave-deck; but a very large quantity of mats, such as are frequently found in slave-vessels to answer the same purpose. No shackles, bolts, or handcuffs. Nineteen water-casks, capable of containing 2082 gallons of water, a quantity more than necessary for the consumption of the crew of the vessel as a merchant-vessel. About 1000 gallons of water on board. No mess-kids or tubs on board; but there were 57 baskets made of dried grass on board, evidently to answer the same purpose. Two boilers capable of containing 20 gallons, which is more than necessary for the use of the crew as a merchant-vessel. Forty-four bags of farinha, and eight bags of calavances, besides a large quantity of these articles in bulk. There was also a very large quantity of fire-wood on board."

The monition having expired on the 6th instant, the Court assembled on that day for the trial of the "*Orozimbo*." The equipment of the vessel in several respects, and particularly as regarded water, was such as to remove all doubts as to the illegal character of the voyage. To strengthen this opinion it appeared from two of the papers found in this vessel, that José Antonio d'Araujo, the second mate (formerly supercargo of the Brazilian brig "*Onze de Novembro*," condemned here last year), had received a passport for Cabinda, whither the "*Orozimbo*" must of course have been bound. The employment of the "*Orozimbo*" having been thus proved to be illegal, the Court pronounced a sentence of condemnation on that vessel and cargo.

(Signed)

WALTER W. LEWIS.
L. HOOK.

No. 122.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 3, 1841.

(Received July 31.)

MY LORD,

WE have the honour of acknowledging the receipt of your Lordship's Despatch of the 25th of March last, transmitting to us a list of vessels which arrived at the port of Rio de Janeiro from the coast of Africa, between the 1st of June and 31st of December, 1840; and a list of vessels which left the port of Rio de Janeiro for that destination during the same period.

Of the vessels mentioned in these lists six have been condemned in the Mixed Commission Courts, and one in the Vice-Admiralty Court of this colony.

We would beg leave respectfully to suggest the great convenience of these lists containing in future the rig of the vessels, and the names of their masters, provided

it be in the power of Her Majesty's Commissioners at Rio to supply this additional information, which we think would add greatly to the means of identifying vessels when captured by Her Majesty's cruisers on this Coast.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

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

No. 123.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 3, 1841.

(Received July 31.)

MY LORD,

WE have been honoured with the receipt of your Lordship's Despatch of the 5th of April last, acquainting us that His Majesty the Emperor of Brazil had been pleased to appoint Mr. Hermenegildo Frederico Nitheroy to be His Imperial Majesty's Commissary Judge in the British and Brazilian Court of Mixed Commission, established in this colony under the Convention between Great Britain and Brazil for the suppression of the Slave Trade; and Mr. Joaquim Thomaz do Amaral to be His Imperial Majesty's Commissioner of Arbitration in the said Court, and desiring us to receive those Gentlemen as our Colleagues in that Court, on their going through the accustomed form of admission to the offices to which they have been appointed.

We shall receive these Gentlemen as our colleagues whenever they may arrive at their post, and cordially enter with them upon the respective duties which have been assigned to us as members of the British and Brazilian Commission residing here.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

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

No. 124.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, June 30, 1841.

(Received September 30.)

SIR,

IN pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George the Fourth, entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to forward a return of vessels adjudicated in the British and Brazilian Court of Mixed Commission, in the period from 1st of January last to this date.

We have, &c.,
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

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

Enclosure in No. 124.

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, 1841.

Name of Vessel.	Flag.	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.	Tonnage of the Vessel.			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.							Foreign, according to the Papers.	Old Admeasurement.	English. New Admeasurement.		
Feliz Ventura	Brazilian	José Mariano da Costa e Silva.	1840. Nov. 29	6° 30' N.	10° 57' W.	Brigantine and Cargo.	Charles Hall, Esq., H.B.M. Brig "Rolla."	1841. Jan. 11	..	..	..	123	125 ^{3/4}	74 ^{3/8} 330 ^{3/8}		
Bellona	Portuguese.	Francisco Pedro Ferreira.	Dec. 14	8° 10' S.	13° 8' E.	Schooner and Cargo.	Edward H. Butterfield, Esq., H.B.M. Sloop "Fantôme."	"	..	..	..	117	131 ^{3/4}	61 ^{3/8} 330 ^{3/8}		
Nova Inveja	Brazilian	Francisco Antonio Oliveira.	1841 Jan. 20	5° 43' S.	11° 36' E.	Brigantine and Cargo.	Thos. Edwd. Symonds, Esq., H.B.M. Sloop "Persian."	March 3	..	..	..	137	169 ^{3/4}	77 ^{3/8} 330 ^{3/8}		Vessel and stores sold at public auction, and the proceeds paid into the military chest.
Bom Fim	"	José Pinto de Araujo.	"	"	Off Cabinda.	Schooner and Cargo.	"	March 13	..	..	..	55	58 ^{3/4}	27 ^{3/8} 330 ^{3/8}		"
Juliana	"	Daniel Finties Coelho.	Feb. 12	5° 41' N.	2° 29' E.	"	Reginald Thos. J. Levinge, Esq., H.B.M. Brig "Buzzard."	April 6	..	..	..	108	130 ^{3/4}	59 ^{3/8} 330 ^{3/8}		"
Orozimbo	"	Mathias José de Carvalho.	Jan. 8.	8° 40' S.	13° E.	Brig and Cargo.	Edward H. Butterfield, Henry Matson, and George Sprigg, Esqrs., Commanders of H.B.M. Ships "Fantôme," "Waterwitch," and "Brisk."	"	..	..	..	192	130 ^{3/4}	138 ^{3/8} 330 ^{3/8}		"

Sierra Leone, 30th June, 1841.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

(Signed)

C. B. BIDWELL, Registrar.

No. 125.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 9, 1841.**(Received September 20.)*

MY LORD,

WE have the honour of reporting to your Lordship that Her Majesty's brigantine "Dolphin," Lieutenant Littlehales commanding, captured by two of the boats of that cruiser, under the command of Mr. Murray, on the 30th of May last, off Whydah, the Brazilian brigantine "Firme," after a most determined resistance with muskets on the part of her crew for upwards of a quarter of an hour, and in consequence of which we regret to have to state that two of the "Dolphin's" seamen were killed and three injured, in addition to Mr. Murray, who was severely and dangerously wounded.

The detained vessel was nominally commanded by Silveiro de Brito, and owned by the well-known José Maria Henriquez Ferreira, of Bahia, where she was cleared out on the 24th of April last for Valparaiso, which ostensible destination had been adopted in consequence, as it is said, of the Custom-house authorities at Bahia declining to clear vessels for the coast of Africa.

On the 28th ultimo the detained vessel anchored in this harbour, and on the following 1st of July proceedings commenced against her in the British and Brazilian Mixed Court, which terminated on the 8th instant in a sentence of confiscation of both vessel and cargo.

Our report of this case we have the honour herewith to lay before your Lordship.

From this report your Lordship will perceive that contradictory reasons were assigned by the witnesses for firing upon the boats of the "Dolphin," and that the supercargo attempted (unsuccessfully) to show that the man-of-war's boats were without colours, and in consequence mistaken for the boats of some Spanish pirate. The mate's explanation, however, will seem to be nearer the truth, as he declared that the crew resisted in order if possible to save their wages by avoiding capture.

José Maria Henriquez Ferreira, the owner of the "Firme," is the same person who appeared as owner of the Portuguese brig "Amelia," condemned here with a cargo of slaves, on the 30th of August, 1837. In the passport of the "Amelia" Ferreira is described as a Portuguese, residing at Bahia.

The "Firme's" voyage, like that of the "Amelia," was from Bahia to Whydah for slaves, and back to Bahia.

We have, &c.

(Signed)

WALTER W. LEWIS.

M. L. MELVILLE.

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

&c.

&c.

&c.

Enclosure in No. 125.

*Report of the Case of the Brazilian Brigantine "Firme," Silveiro de Brito, Master.**Sierra Leone, July 9, 1841.*

THIS vessel was provided with the following official papers:—

1. Imperial Passport, No. 163, dated at Bahia April 24, 1841, in which José Maria Henriquez Ferreira, of that city, is described as being the owner of the vessel, and the above-mentioned Silveiro de Brito as the master; that she is of foreign construction, and of the burthen of 179 tons.

2. The Muster-roll, dated on the same day, showed that the crew of the Brigantine consisted of 17 persons, and that she was bound to Valparaiso.

3. Bill of Health, agreeing in date and destination with No. 2.

4 to 8. Five official papers, being receipts for Port dues and charges, and a Fort-pass.

There was also found on board of the "Firme," with the foregoing papers, a personal passport for a Genoese trader, named Jeronimo Carlos Salsi, stated to be destined to Valparaiso, and dated Bahia, April 24, 1841. This person ultimately proved to be in reality the Supercargo of the vessel.

The "Firme" anchored in this port late on the 28th of June, 1841, and was immediately visited and reported upon by the Marshal to the Mixed Courts.

The papers in the case were not, however, presented to the British and Brazilian Court until the 30th of June, and proceedings therefore were only commenced on the 1st of July instant, when the papers seized having been duly authenticated by the prize officer, were filed, together with the

declaration of the Seizor; the usual Monition was issued, and the witnesses in preparatory ordered for examination.

The Seizor's declaration was as follows:—"I, Edward Littlehales, Lieutenant and Commander of Her Britannic Majesty's Brigantine 'Dolphin,' do hereby declare, that on this 30th day of May, 1841, being off Whydah, I detained the Brigantine named the '*Firme*,' sailing under Brazilian colours, armed with small arms, commanded by Paulo José de Millo e Brito, bound from Bahia to Whydah, with a crew consisting of 17 men, and 10 passengers, whose names are not mentioned in the papers; having on board no Slaves, but being fully equipped for the Slave trade."

On the 2nd instant the Registrar examined the Mate of the detained vessel, Jozé Ferreira Diaz. on the standing and special interrogatories, when he deposed, "That the Master's name is Silveiro de Brito; has known him three or four years. The Master is a native of Bahia, where he lives. Does not know whether he be married. Jozé Maria Henriquez Ferreira, the owner, gave Silveiro de Brito the command and possession of the vessel in April last at Bahia. The vessel, which is of Baltimore build, was first seen by witness at Bahia about three months ago. He was on board at the time of capture, which took place, as witness believes, on account of her being engaged in the Slave trade. The vessel sailed under the Brazilian flag, and had no others. The vessel is called '*Firme*,' the only name to witness's knowledge she has ever borne. There were 23 or 24 officers and mariners with the Master, some Portuguese and others Brazilians, engaged at Bahia by the Master. Neither officers nor sailors had any part or share in the ship or lading. Witness was Mate. Three passengers, João Telles de Faria, José (Portuguese), and Cunha (a Brazilian), embarked at Bahia for a passage to Whydah. Witness does not know why they were going there. They had no interest or authority in or over the detained vessel. The vessel last cleared out at Bahia, where the voyage commenced, and (after coming to Whydah on the Coast) where it would have ended. Touched at no ports or places from the time of leaving Bahia to the time of capture. The clearance from Bahia was for Valparaiso. The capturing vessel was first observed off Whydah, whither she was bound, on the 30th of May; and after a chase of two or three hours (during which all sail was made to avoid capture), the man-of-war's boats came up with the detained vessel, and capture took place. The course of the vessel was always direct from Bahia to Adjudah (Whydah). There are no guns mounted, but about 20 muskets and 8 or 10 cutlasses, and of ammunition only half a barrel of powder, for the purpose of quelling any risings among the Slaves. Witness was at the helm when the sailors against the Captain's orders broke open the arm-chest and commenced firing upon the boats. On this witness went below. The sailors determined upon resisting a search, because they said that, although the boats might be English, they would endeavour to escape and save their wages. The resistance continued about ten or fifteen minutes, during which two of the prize's crew were killed and one wounded. Witness does not know how many of the English were killed or wounded. The owner, José Maria Henriquez Ferreira, junior, is a Brazilian by birth and lives at Bahia. Knows nothing of the existence of a bill-of-sale nor of the price of the vessel. Witness has heard that the vessel was purchased from some Americans at Bahia in March last, but cannot tell their names. The cargo was the property of the owner, by whom it was shipped at Bahia. Does not know the name of the consignee. The cargo consisted of slave provisions. After cruising in company with the man-of-war (on board of which witness remained until they came off Accra) for some days, the detained vessel was brought direct to Sierra Leone. All the passports and papers were true and fair. None of the papers were destroyed or concealed. Does not know whether there may be any other papers relating to the vessel or cargo in any other country. Knows nothing of any charter-party. Does not know if the vessel or cargo be insured. The supercargo, Jeronimo Carlos Salvi, had the management of the vessel and cargo. The hatches are fitted with open gratings, wooden at the top and iron underneath. There are iron bars on board, but witness does not know the number of them; these are intended to secure the slaves below. There are three bulk-heads parting off the fore-castle, cabin, and store-room. There are no spare planks. A slave-deck is laid fore and aft. There are no shackles, bolts, nor handcuffs. Thinks that there are about ninety water-casks large and small, some empty and some filled with fresh water for the use of the slaves. He thinks that there were about 40 or 50 mess-tins for the slaves to feed in. There was one large iron boiler for cooking slave provisions. There were from 80 to 100 large bags of farinha and about 30 of jerked beef as slave-food. Does not know whether there was any rice, maize, or flour on board.

Jeronimo Carlos Salvi or Salsi, the supercargo of the detained vessel, was the second witness produced by the captors. This witness by his evidence fully confirmed the testimony of the mate in every respect, except only as regarded the resistance made to the seizor's boats, which he explained was offered under the impression by the crew that they belonged to Spanish pirates, no colours (as he stated) having been hoisted. Salvi added that the reason of this vessel having been cleared at the Bahia Custom-house for Valparaiso was, that the authorities of Bahia declined clearing vessels for the Coast of Africa. This witness also stated that the money seized in the "*Firme*" was owned partly by himself, partly by three of the passengers, and by some of the sailors whose names he did not know.

Publication passed on the 3rd instant.

On the 5th instant an explanatory affidavit of the prize-officer was allowed to be filed. From this document we learned that the prize-officer was in command of one of the boats of Her Majesty's Brigantine "Dolphin," which captured the "*Firme*," and that on the said boats getting within musket shot of the "*Firme*," British colours were hoisted in both boats, *subsequent* to which the firing from the "*Firme*" on the boats commenced. The delay in sending this vessel up for adjudication was stated to have arisen from the master not having given up the "*Firme*'s" papers at the time of detention and the search for the same, which therefore became necessary. A subsequent affidavit of the prize-officer explained that Silveiro de Brito, the Master of this vessel according to her papers, had been landed with her crew at Accra, in consequence of the seizor having been informed that Brito was only the "Captain of the Flag," a statement which the prize-officer alleged was confirmed by his appearance, as he looked more like a common seaman than one having authority on board.

With this affidavit the proceedings in the case were closed, and the monition which had been issued being returnable on the 8th instant, that day was appointed for the adjudication of this vessel. The Court accordingly assembled on the day named, when a sentence of condemnation was passed upon the "*Firme*" and her cargo.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

No. 126.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, July 22, 1841.

(*Received September 20.*)

MY LORD,

On the 6th of June ultimo Her Majesty's brigantine "Dolphin," Lieutenant Littlehales commanding, seized at anchor in the roadstead of British Accra the Brazilian brigantine "Nova Fortuna," Francisco Jozé da Rocha, master, on the ground of her being concerned in the Slave Trade, and sent that vessel hither for adjudication on the charge mentioned.

The detained vessel anchored in this harbour on the 28th ultimo, and on the 1st instant proceedings were commenced against her in the British and Brazilian Mixed Commission Court. From the papers of the vessel and the evidence received in the case, which was a contested one, it appeared that the "Nova Fortuna" belonged to Bahia, where her owner, Jozé Joaquim d'Almeida, resided; and who had despatched her thence in March last on an ostensible trading voyage along the Coast of Guinea, where she was to procure, in exchange for a cargo of Brazilian tobacco and spirits, a return cargo of gold, ivory, palm-oil, and salt. The trade was under the management of Manoel Joaquim da Costa, as supercargo.

In the alleged performance of this voyage the vessel is said to have touched at Elmina, Annamaboe, Appam, Winnebah, and British Accra (where she was seized), and had disposed of much of her outward cargo, some of the return for which was found on board in the shape of dollars, doubloons, native African gold, and a very little palm-oil.

The proof offered by the seizer that the "Nova Fortuna" was concerned in the Slave Trade, mainly rested on her equipment in some respects for that traffic, and on the suspicious character of the owner's instructions for the voyage.

This evidence having received nothing to weaken it by that filed on behalf of the claimant, but, on the contrary, having been strengthened by the conflicting nature of the testimony of the master and mate; by the fact of the master having been found in possession of a certificate which would enable him to receive three slaves held in trust for a third party by a resident at Whydah, and of several letters addressed to persons living at that notorious slave mart, all of which related to the Slave Trade; by the well-known connexion of the *bonâ fide* master of this vessel, Carvalho, as well as that of the vessel's owner and supercargo, with the Slave Traffic, and generally the illegal character, as connected with the Slave Trade, which many of the papers seized in this vessel bore, induced the Court to pronounce her confiscation on the 20th instant.

Our report of this case we have now the honour to lay before your Lordship.

The names of Jozé Joaquim d'Almeida, the ostensible owner of this vessel, and Manoel Joaquim da Costa, her supercargo, appeared in our report of the case of the Portuguese schooner "Lafayette," condemned here on the 16th of June, 1837. On that occasion they fitted out the "Lafayette" at Bahia, and were to have been the consignees of that vessel on her return. It also appeared in evidence that the slaves seized in that vessel were owned by them. Almeida and Costa were also owners of the condemned slave ship "Quatro d'Abril."

The mate of the "Nova Fortuna," Jozé Gervazio de Carvalho, was master of the Portuguese schooner "Latona," condemned here with a cargo of slaves on the 17th of March, 1837. He has been here as a mate in two other condemned slavers besides the present.

From the information Lieutenant Littlehales received down the coast, it appears that the merchandise to pay for the slaves supplied for the Brazil markets is now brought over in Brazilian, French, and other vessels, which, touching at the ports on the leeward coast, trade for money to be delivered at the factories in payment for the slaves, and the cargo-vessels then return to Brazil in ballast. This is said to have been the case with the schooner "Illinois," under United States colours, which came over lately from Bahia, chartered there by a French firm, Messieurs Leceaguel and Company. The vessels which carry the slaves come across, it is said, sometimes without even an anchor at their bows, and remain but a few hours.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 126.

Report of the case of the Brazilian brigantine "Nova Fortuna," Francisco José da Rocha, Master.

THE following papers were found on board of the "Nova Fortuna" at the time of her detention:—

1. An imperial passport, No. 91, bearing date 19th December, 1840, in which this vessel is described as owned by José Joaquim d'Almeida, of Bahia, commanded by Manoel Peixoto Villas Boas, and of the burden of 77 tons. When the above-mentioned Da Rocha superseded Boas in the command is not mentioned in this or any other of the ship's papers.

2. Muster-roll, dated Bahia, March 20th, 1841, describing the crew of the vessel to consist of 1 persons, and bound to the coast of Africa.

3. Manifest of the cargo, dated Bahia, 20th of March, 1841, and signed by Almeida, the owner of the vessel. From this document it appeared there had been shipped,

1494 rolls and 46 barrels of tobacco,
20 pipes of spirits,
1 bale of foreign goods,

in addition to various stores apparently for use during the voyage. The manifest also includes 10 water-casks, but does not clearly explain whether they were for the ship's use or for sale. Attached to this manifest is a bill of lading, dated the 19th of March, 1841, describing the cargo as consisting of spirits and tobacco only, without any allusion to the bale of foreign goods, and as consigned to the supercargo, Manoel Joaquim da Costa, and to José Gervazio de Carvalho, who appears as first mate in the muster-roll. Carvalho was, however, evidently *bonâ fide* master on board, the ostensible master, Da Rocha, being quite a lad in appearance, and certainly not more than 17 years of age.

The aforesaid manifest and bill of lading were authenticated by the British Consul at Bahia in the following terms:—"I, Edward Porter, Her Britannic Majesty's Consul for the city and province of Bahia, do hereby certify that José Joaquim de Almeida, owner, and Francisco José da Rocha, master of the smack 'Nova Fortuna,' have personally appeared at this Consulate, and declared on oath that the foregoing manifest and annexed bill of lading are a true and faithful statement of the cargo and stores on board the said smack. An act whereof being required, I have granted the same under my hand and seal of office at Bahia, this 20th day of March, 1841."

This certificate was duly signed and sealed by the Consul.

4 to 9. Custom-house receipts, bill of health, and fort-pass.

10. A petition from the owner of the vessel dated March 20th, 1841, for permission to go to the east coast of Africa. Whether this permission was granted by the authorities of Bahia does not appear in this paper. There is an ambiguous report attached to the petition stating that it is not safe to carry the negro to the coast; and by a note it appears "a negro was landed from this vessel."

11. The instructions of Almeida to the master and mate, Da Rocha and Carvalho, bear date at Bahia on the 20th of March last, and commence with directions to go to the Gold Coast to "transact legal trade." This trade is to be conducted by the supercargo, Da Costa, who will sell the outward cargo for money, gold, ivory, and palm oil. The owner then observes that if the vessel *requires ballast* it is to be taken in, and the vessel is then to proceed to Aquita for salt, with which she is to return to Bahia with all possible dispatch. In conclusion is the following questionable paragraph:—"You must bear in mind that you will require to purchase some cowries to windward to enable you to procure the salt, and whatever else may be necessary for the use of the vessel; as well as to *obtain provisions for your return, being careful to get sufficient for the purpose.*"

12. Instructions from the said owner to the supercargo, differing in no respect from No. 11.

13. Log-book of the voyage, apparently kept by the master, which shows that the "Nova Fortuna" sailed from Bahia on the 21st of March last, and on the 4th and 7th of May sighted respectively Cape Palmas and Cape Lahon, off the latter of which canoes visited them. They then commenced trading at Elmina, where they arrived on the 12th of May; went thence to Annamaboe on the 20th; to Appam on the 26th; to Winnebah on the 29th; and to British Accra on the 30th of May, on which day the log ends.

In addition to the foregoing, there were no less than 50 other documents and papers, of which 13 were old personal passports, and seven were nautical papers and calculations, of which it will be unnecessary to give a more particular account. The remainder chiefly consisted of letters, and seems to call for a more minute description, which we shall now give.

The first in importance, as giving a character to the expedition in which the "Nova Fortuna" was engaged when seized, are a receipt for slaves deliverable at Whydah, and a letter commissioning the master, in whose possession these papers were found, to buy a slave.

The receipt or certificate is dated Whydah, 23rd of February, 1841, and signed by Joaquim Antonio da Silva, acknowledging to have three slaves in his custody belonging to João Francisco Pereira.

The letter above alluded to was apparently written in Bahia, but is undated, and addressed to João de Deus of Whydah, by João Pereira Vianna, formerly dispenser of "the pilot boat," and lately on board of the "Firme," (condemned here on the 8th of July, 1841,) in a similar capacity, advising him of having sent four doubloons to buy a female slave.

Two letters written by Manoel Joaquim Ricardo, of Bahia, respectively to José Pedro Otram and Joaquim Antonio da Silva, both of Whydah, on the subject of slave adventures completed and in progress. In these letters the new word "cola" is the expression used to describe a slave.

A letter from João d'Almeida, of Bahia, to Tiburcio Joaquim Vianna of Whydah, notifies the shipment of four pieces of French cloth by the "Aurora," to buy a slave.

Three loose undated papers appeared to be—first, a report from the mate to the captain of the Brazilian schooner "Picon," stating his having fallen in with a man-of-war, supposed by him to be Her Majesty's brigantine "Bonetta," which vessel opened a fire upon them, and some shot struck the "Picon's" hull. The schooner, however, escaped by means of her sweeps. Inquiry is then made as to when and where the slaves are to be shipped.

The second and third papers appear to be replies to the above, one of which is signed by "the captain of the 'Picon,'" and the other unsigned, and addressed to "the mate in the roads." Both of

these notes state that there are 500 slaves ready for embarkation. The above three papers are written in French.

A log-book of the Brazilian schooner "*Picon*," written in Portuguese, shows that she left Bahia on the 23rd of January, 1840, with the ostensible destination of Prince's Island, but really bound to Whydah, off which port she was on the 17th of February following, and where it is reasonable to infer, from the contents of the three papers just described, she embarked a full cargo of slaves. No log for the "*Picon's*" return voyage appears to have been kept.

On the 28th of June ultimo the "*Nova Fortuna*" anchored in this harbour, and proceedings in prosecution of her were opened on the 30th in the British and Brazilian Mixed Commission, which led to the filing in Court, on the 1st of July, of the papers found on board of her, they having been previously duly authenticated by the prize officer's affidavit; the filing of the captor's declaration of seizure; the issue of the usual monition; and an order for the examination of the witnesses in preparatory on the standing and special interrogatories.

The declaration of the Seizor was as follows:—"I, Edward Littlehales, Lieutenant and Commander of Her Britannic Majesty's brigantine '*Dolphin*,' do hereby declare, that on this 6th day of June, 1841, being at anchor off British Accra, I detained the polacca brigantine, named the '*Nova Fortuna*,' sailing under Brazilian colours, commanded by Francisco Jozé da Rocha, bound from Bahia to the coast of Africa, with a crew consisting of 12 men and 1 passenger, whose name as declared by him is Manoel Joaquim da Costa, having no slaves on board, but being equipped for the Slave Trade."

On the 3rd of July instant, the master of this vessel, Francisco Jozé da Rocha, was examined by the Registrar, and deposed That "he was born at Bahia, which is his place of residence. Is a Brazilian subject, and has never been under allegiance to any other State. Is not married. Jozé Joaquim d'Almeida, a Brazilian subject, and owner of the vessel, gave witness command and possession of her in March last at Bahia; of which city the owner is a resident. Has known the vessel about four years. She was built at Bahia. He was present at the taking of the vessel, but under what pretence and for what reasons she was so seized witness does not know. The vessel sailed under Brazilian colours, and had no others on board. The vessel has always been called by the name of '*Nova Fortuna*,' and she is, to the best of witness's knowledge, 75 tons burden. Witness shipped the crew, which consisted of 11 persons, exclusive of himself, at Bahia in the month of May last. Some were Brazilians, and the rest Portuguese. None of the crew (except witness, who had 25 rolls, and the mate also 25 rolls of tobacco) were interested in the ship or lading. Was master on board. There were no passengers. The voyage began at Bahia, and thence it was to be continued along the whole western coast of Africa to return thereafter to Bahia, which was the last clearing port. The destination in the clearance is the coast of Africa. Elmina was the first port the vessel touched at, and remained there eight days. Witness had communication with the shore, and sold to the natives one pipe of aguadiente and tobacco, receiving in payment for the same gold-dust and cash. The vessel then proceeded to Annamaboe, but after a stay of five or six days was prevented by the Governor from trading. Here witness received two certificates for port dues. The next place visited was Appam, where witness, after being at anchor three days, sold Mr. Fletcher and other Englishmen (who had come round from Annamaboe in consequence of the Governor's prohibition against trading there) aguadiente and tobacco for gold-dust, doubloons, and dollars. Witness also purchased mats here from the natives. After leaving Appam the vessel went to Winnebah, and anchored there only for one day, having purchased from the natives gold-dust, doubloons, mats, and cowries, the latter to buy country cloths and palm-oil. British Accra was the last place touched at on the coast, the vessel having been there captured within one mile from the shore. Remained at Accra ten days, and during the time of the vessel's stay the people from Danish Accra came on board and purchased tobacco in exchange for palm-oil and cowries. The vessel was captured whilst at anchor off British Accra, on the 5th of June last. The capturing ship made the seizure on the same day she arrived at Accra. The vessel had only four pistols and half a pound of powder on board in the shape of arms and ammunition; two of the former belonged to witness and two to the mate, for their private use. He had no instructions to destroy, conceal, or refuse to deliver up any of the ship's documents. The owner's name is Jozé Joaquim d'Almeida, a Brazilian subject, and living at Bahia with his family. Witness knows him to be the owner from the notoriety of the fact at Bahia for upwards of three years. The owner has always resided at Bahia. Knows nothing of any bill of sale, price of the vessel, or the names of the sellers. Witness has heard that the vessel was bought by the owner from the shipbuilders at Bahia, nearly five years ago, to the best of his knowledge. The owner, Jozé Joaquim d'Almeida, shipped the cargo at Bahia; it was under no consignment, as the voyage was to be a coasting one. The cargo if restored will belong to the present owner. Witness is ignorant of the nature of the vessel's lading on the last voyage, as this is the first time she has been trading on the coast. The present cargo consists of tobacco and aguadiente, which was to be exchanged for cash, gold-dust, palm-oil, mats, and cowries. The passport and all the other ship's papers are true and fair. None of the papers, bills of lading, or letters were destroyed, concealed, or attempted to be concealed. There are no other papers relative to the ship and cargo in any other country. There was no charter-party. Does not know whether the ship or goods be insured. The hatches of the vessel are not fitted with open gratings; there is only the main hatchway, measuring 9 feet by 6 feet. The coamings of the hatchways are not bored, nor are there any iron bars on board. There are only the bulkheads of the fore-castle and cabin, but there are four bunks on deck. There are no spare planks. There is no part of a slave deck laid. There are no shackles, bolts, or handcuffs. There are 3 pipes and 1 small keg empty, and 1 pipe full of fresh water. There are 2 mess-kits for the use of the crew. There are no iron boilers, and the ca-house is only fitted for two small boilers. There is only one bag of farinha on board."

The second witness produced by the Seizors was Jozé Gervazio de Carvalho, who appeared in the muster-roll and described himself as first mate of the vessel, but who was evidently, from his age, experience, intelligence, and authority on board, and from the extreme youth of the ostensible Master Da Rocha, the *bonâ fide* commander of the "*Nova Fortuna*." The evidence of this witness confirmed that of the previous one in respect to the ownership of the vessel and cargo, and that it had been partly exchanged for money, gold, palm-oil, and cowries. Carvalho differed, however, from the master who had stated that the cargo was not consigned, by declaring that Manoel Joaquim da Costa, a passenger, was the consignee; and also in respect of the master's assertion that he and the mate (this witness) had each 25 rolls of tobacco on board as a venture, by explaining that the master had really but 20.

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The evidence of these witnesses concerning the stay made and the nature of their transactions the different places visited on the Gold Coast for the purposes of trade, did not agree with each other, and were both somewhat at variance with the log-book of the vessel; but as this point will be alluded to in the judgment given in this case, it is unnecessary to dwell upon it here.

Publication passed in the cause on the 3rd instant.

The report of Survey which had been petitioned for on the part of the Seizor on the 1st, was received and filed on the 7th instant, and described this vessel to have, besides a fore-hatch and an after or cabin hatch, a very large main one, the dimensions of which were 9 feet by 4 feet 3 inches. That the bulk-heads below were not more than necessary and usual in merchant vessels; but that the "*Nova Fortuna*" had in addition 4 moveable sleeping-berths on deck, thus making more divisions on deck than were requisite for her as a lawful trader. There were found on board 100 coarse mats, each measuring 5 feet 4 inches by 2 feet 8 inches; suited for forming a substitute for the usual slave-deck. The cabin was of peculiar construction, being only 3 feet 5 inches in height, having a fixed deck; it had, however, all the appearance of the female slave-rooms usual in vessels engaged in the traffic. There were only 7 water-casks on board, equal to containing 929 gallons. There were, however, 2 casks filled with cowries, having the appearance of water-casks, and capable of holding 220 gallons, forming in all the means of carrying 1149 gallons of water. And the cabouse, though of an ordinary appearance, was so arranged from being built up with bricks, fitted with iron grating, and having a moveable top as to be capable of receiving and cooking with a boiler of 31 inches square.

The monition issued on the 1st, having been returned duly certified on the 8th instant, this closed the proceedings on behalf of the Seizor.

On the 6th instant the master of this vessel appeared as a claimant in the case, and on the following 8th the claim hereunder transcribed was filed, together with an affidavit of the said master authenticating the same.

"The claim of the said Francisco Jozé da Rocha, the master of the said polacca, subject of His Majesty the Emperor of Brazil, for the said polacca, her tackle, apparel, and furniture, goods, wares, merchandise, money, and effects, on board the said polacca at the time of the capture thereof by Her Majesty's brigantine '*Dolphin*,' Lieut. Edward Littlehales commanding, and brought to Sierra Leone, for the said polacca, her tackle, apparel, and furniture, and the said goods, wares, merchandise, money, and effects, as the sole property of Jozé Joaquim d'Almeida, an inhabitant of Bahia, and as protected by the Treaty or Convention between His late Britannic Majesty and His late Imperial Majesty the Emperor of Brazil, dated 23rd of November, 1826. And for all costs, charges, losses, damages, demurrage, and expenses as have arisen, or shall or may arise, by means of the capture and detention of the said polacca as aforesaid."

A petition to examine the master and mate on special interrogatories was presented by the claimant's proctor on the following day, which having been approved, those persons were accordingly examined on the 12th instant.

The master deposed that "the polacca came to the coast of Africa to dispose of the outward cargo of spirits and tobacco for *salt*, palm-oil, and gold-dust. From the detained vessel having been previously to the present voyage engaged in the sugar trade on the coast of Brazil, it was necessary that the main hatch should be of large dimensions in order to admit the boxes of sugar into the hold. Three of the 'bunks' (sleeping places on deck) were appropriated for the use of the mate, supercargo, and witness. The fourth 'bunk' contained the stores of the vessel. The height of the cabin is about 4 feet, its length 6 feet, and breadth about 4½ feet. It was for stowing away provisions and the trunks belonging to the officers. Brazilian sumaccas are usually built with such cabins. The mats were purchased for the stowage of the salt. The cabouse of the sumacca resembles those usually found on board vessels of this class. The iron bolt was used to secure the cabin hatch. There were 4 pipes and 1 small cask for water on board the vessel at the time of capture. The witness has in his possession a paper signed by the prize officer at the time of capture, and purporting to be a manifest of the cargo on board at that time. (This paper was delivered to the Registrar by the witness.) From this document it appeared, that there were on board 19 pipes of spirits, 1 barrel of tobacco, 4 pipes and 1 cask of water, and 5 casks of palm-oil." This paper also contained the extraordinary entry of "300 grass bags, and 100 mats, for ballast."

The replies made by the mate to the same questions were nearly word for word the same as those of the master, above quoted.

Publication was granted to the claimant on the 12th instant. No further proceedings were taken by the claimant.

On the 14th instant the captor's proctor re-opened his case on petition, and was allowed to put special interrogatories to the master, which elicited from that witness the following evidence: that "it is customary for the owners of vessels to allow masters and mates to take a few articles on board on their own account and risk; but this is not considered as forming a part of the cargo. Hence appears the discrepancy between the claim and the examination in chief. He cannot tell the cause why the Governor of Annamaboe prevented him from trading there, no reasons having been assigned for such prohibition. Although he remained ten days at British Accra, yet he did not trade there at all, but only with persons from Dutch and Spanish Accra, who paid, in return for tobacco and spirits, palm-oil and cowries. Did not land any goods during the night. The Governor of British Accra did not prevent him from trading there. Witness admits that the manifest and bill of lading were both attested before the British Consul at Bahia; but denies that the 46 barrels of tobacco were a subsequent addition, they having been inserted in the above documents at the same time as the other articles, and by the same person. The sand ballast was shipped at Appam and Winnebah; it was taken on board simply as ballast, in consequence of the vessel being empty. He obtained the money and gold-dust at Elmina, Appam, and Winnebah, for tobacco and one pipe of aguardiente, which latter formed the outward cargo. All the money and gold-dust were received at the three above-mentioned places. Part of the said gold-dust and money was intended for the purchase of salt and palm-oil, and part to be taken to Bahia on the owner's account. He intended to ship the salt at Aquitah. The salt to be taken on board was to have been of the coarse description made by the natives themselves. About 60 or 62 tons were to have been shipped, but at what price witness cannot tell. It was to have been delivered at Bahia, and is well adapted for the Brazilian market, this commodity being very scarce in Brazils. Salt fetches from 3s. to 4s. for half a bushel at Bahia. Many shipments of salt have been made from Aquitah to Bahia: witness remembers, however, the names of only two vessels which

traded there for this purpose, the '*Intrepido*' and '*Josefina*;' but does not know the names of either their masters or owners."

There was also received on the part of the captor an affidavit (sworn on the 15th instant) of the prize officer, stating "that over the cabin of the said polacca there is a large companion-hatch, which is rather more than 3 feet from the deck, and which leads at once into the cabin by folding-doors, facing the front part of the vessel, a ladder not being necessary from the small depth of the cabin from the deck. And, lastly, that the said hatch is about 4 feet square."

At the same time the proctor for the seizor filed another affidavit, which was as follows: "Appeared personally William Bedwell Bradford, master mariner, in command of the British merchant barque '*Hartley*,' and William Trickey, master mariner, in command of the British brig '*Charlotte Wylie*,' who being duly sworn, maketh oath and say; and first this deponent, William Bedwell Bradford, for himself, saith, that he has seen large quantities of Brazilian sugar in the port of London, and that the same has always been imported in cases averaging in weight from 3 to 8 cwt.; and that the largest case of Brazilian sugar he has ever seen was in length about 5 feet, and in depth about 2½ feet, and not more. And this deponent, William Trickey, for himself, saith that he has made several voyages to different ports in the Brazils, and that the sugar of that country is packed in cases which have averaged in weight from 3 to 8 cwt., and in size from 3 feet to 5 feet in length, and from 2 feet to 2½ feet in depth, and he has never seen any in larger packages."

Publication of this evidence was granted on the day of its being received; and on the 17th instant a joint petition from the proctors for both parties announced the closing of the case, and prayed for a day of trial, which was named for the 20th instant, when the Court accordingly assembled.

After the evidence in the case had been publicly read, the proctors on both sides were heard in argument on behalf of their respective clients.

The proctor for the seizor remarked that the vessel's voyage was of so questionable a character that the authorities at the British settlements on the Gold Coast had refused her leave to trade there; and that at the time of seizure so much was the master impressed with the unlawfulness of his voyage that he was either unable or unwilling to declare her destination. He then went into a detailed review of the equipment with which this vessel was provided, and of the explanations offered by the master and mate respecting the same, which he urged were insufficient to relieve the vessel from the character of being illegally equipped. In conclusion, this gentleman observed that the claimant had entirely failed to show, as he was bound to do, the lawfulness of the voyage in which his vessel was engaged when seized.

The proctor for the claimant commenced his address by referring to the owner's instructions for the voyage, which he endeavoured to show were good evidence of the legality of the adventure; and then urged that the detention of this vessel was contrary to the terms of the second article of the Instructions for Cruizers, annexed to the treaty or convention with Portugal, which forbids the seizure of vessels "whilst in the port or roadstead belonging to either of the two high contracting powers." The proctor then endeavoured to support by argument the explanations which had been offered respecting the equipment, and ultimately prayed the Court to restore the vessel.

The seizor's proctor replied to that part of the address of the proctor for the claimant in which he had endeavoured to show that the owner's instructions were a proof of the lawfulness of the voyage, that the very opposite opinion must be formed on an unbiassed perusal of that document, and pressed on the attention of the Court the doubtful terms in which those instructions were worded, which deprived them of all *bonâ fide* character. This gentleman also urged that it was a material defect in the claimant's case his having neglected to show the rate of wages for the voyage, and that the inference must be unfavourable.

In giving judgment, the Court, after remarking upon the circumstances of the seizure (declining to admit the claimant's objections thereto), and the grounds of prosecution, observed that the proof offered in support of the seizor's case was chiefly to be found in the contents of the ship's papers, and in the evidence showing the equipment of this vessel to a certain extent in a manner adapted for carrying on the Slave Trade.

The Court next alluded to the several items of illegal equipment, as set forth in the report of the surveyors already quoted herein, which it was remarked had much of the character of the equipment common to slave-vessels, and which would certainly prove a sufficient cause for condemnation, unless good and sufficient reasons could be given by the claimant for his vessel being so provided.

Respecting the very large main-hatchway, the Court said that the master had declared it was necessary, to admit boxes of Brazil sugar, she having been previously to the present voyage engaged in the sugar trade on the coast of Brazil, a statement which the mate had corroborated. The master's original evidence as to the previous voyage showed that he was ignorant of the vessel's lading, and the Court therefore refused to admit this witness, in order to clear up his case, conveniently to recollect that the brigantine had been a sugar droguer. Independent, however, of this point, the explanation of the master, though confirmed by the mate, has been proved to be worthless by the oaths of two of the commanders of British merchant ships now in this harbour (one has traded to Brazil), both of whom have sworn that the largest size of boxes for Brazil sugar is 5 feet by 2 feet 6 inches; the main hatchway of this brigantine was therefore declared to be about as large again as is usual in merchant vessels lawfully employed.

In explanation of the extra accommodation afforded by the four moveable sleeping-berths on deck, which the surveyors had reported as not required by a lawful trader, it had been stated that the cabin of this brigantine, which is of the description commonly found in fair-trading vessels, had been used by the master, mate, and supercargo, to keep their luggage in, and that three of the said deck-berths had been occupied by those persons, whilst the fourth served as a store-room. As, however, the cabin of this vessel had been shown to be such as is usual in similar craft, and as the unnecessary number of four deck-berths had been found on board, thus leaving the cabin free for a female slave room, if necessary, in the manner common to all slavers, the Court held this account to be unsatisfactory.

The 100 coarse African mats found on board, stated by the master and the mate to have been for the purpose of stowing salt upon over the sand ballast, was a statement which, if the Court could have been satisfied that salt was ever intended to have been embarked, must have proved an insufficient explanation as to these questionable articles.

The number of casks found on board which were adapted for carrying water had been proved to be capable of holding 1149 gallons, thus affording 36 days more water to the large number of persons

forming the crew than the Court considered necessary for them, according to the previous practice of the Court when allowing for a voyage from Bahia to this coast. On this subject, however, there was other evidence well calculated to create and support suspicion of the object with which the number stated had been shipped, for in the manifest of the vessel it appears that originally there were 10 water-casks embarked, of the disposal of none of which the Court had heard, whilst the master had sworn that there were now on board but 6, and the mate but 5 water-casks for the vessel.

The cabouse of the "*Nova Fortuna*" had also been proved to be adapted for the reception of a boiler such as is usual in vessels engaged in the Slave Trade, and though the claimant and mate have both sworn that Brazilian vessels of a similar construction have generally such a description of cabouse, the Court could not see how that was to relieve the "*Nova Fortuna*" when on the coast of Africa and in her peculiar circumstances from the suspicion of having such an article for unlawful purposes.

On the whole, therefore, it appeared to the Court that this vessel was fitted for the Slave Trade by having a main-hatchway double the common size; more divisions on deck than requisite for a lawful trader; 100 coarse African mats, adapted as substitutes for the usual slave-deck; a cabouse adapted for cooking for slaves; and 36 days more water than even her large crew and the supercargo could reasonably need. For this illegal equipment the explanations given on behalf of the claimant had been far from satisfactory; and a reference to the papers given up by the master at the time of seizure, and to some other parts of the evidence, would serve to show that even these unsatisfactory statements of the witnesses for the defence were not entitled to credit.

The Court then referred to the papers found in this vessel, commencing with the instructions of the owner of the vessel, which they observed were, from the very questionable terms employed therein, illustrative to some extent of the captor's allegations. The owner had, the Court remarked, commenced his instructions in the usual style latterly adopted in such documents, namely, with an ostentatious statement that the vessel proceeds to the Gold Coast to "*transact legal trade*;" a general description of the alleged lawfulness of the voyage quite unnecessary, as it is invariably followed, as in this instance, by a very particular and detailed account of what this legal trade is to consist. The owner directed the trading to be conducted by the supercargo, who was to sell, at the ports on the Gold Coast, the outward cargo for gold, ivory, and palm-oil; adding that if the vessel required ballast it was to be taken on board, and she was then to go to Aquita for salt, with which she was to proceed immediately to Bahia. Why this vessel should need to ship ballast on this coast, in addition to that she had on board when leaving Bahia, unless her palm-oil trade had proved a failure, and when she was to fill up with salt, seemed difficult to understand, as salt is on board of most merchant vessels found to answer the purpose of ballast. The part of the voyage respecting the filling up with salt was, however, entirely overlooked by the master and mate at their original examinations, and it might therefore not unreasonably be supposed that this paragraph as to the salt was meant to apply to a much more questionable shipment to be made at Aquita, and that understanding it in this sense, the master and his mate had avoided alluding to it. The sentence immediately succeeding that relating to the purchase of salt, and concluding the owner's instructions, was confirmatory of our suspicions; it was as follows: "and to procure whatever else (besides the salt) which might be necessary for the use of the vessel, as well as to obtain *provisions* for your return, being careful to get *sufficient for the purpose*;" a warning that, had there been none other to feed but the crew of the vessel, would not have been required.

The master and mate concurred in declaring at their first examination that the outward cargo was to be disposed of for gold, ivory, palm-oil (as directed by the owner's instructions), omitting, however, as previously mentioned, the article of salt, and adding to the list, on their own authority, cash, mats, and cowries. This important omission of the salt the claimant's proctor, judiciously enough on his part, endeavoured to rectify as soon as he could, and accordingly the first of his special interrogatories to the master and mate referred to the description of the return cargo of this vessel, and both witnesses stated that it was to be salt, gold-dust, and palm-oil. How the article of salt should have originally escaped the master's recollection seemed more than extraordinary, as by a subsequent statement of this witness the vessel was to carry no less than from 60 to 62 tons of it, her entire burthen being only 77 tons. Both the master and the mate had, however, made further contradictions respecting the vessel's lading, the former stating that the outward cargo was not consigned to any one, although he had himself signed bills of lading at Bahia for the same as shipped by Almeida to the order of the supercargo and first mate, Carvalho; and the said mate suppressing the fact of his being a consignee.

Among the correspondence received from the master there were three letters addressed to different residents at Whydah, all of which were on the subject of the Slave Trade, and in one of them it was stated that four doubloons had been sent to buy a negress. As the letter relating to these four doubloons was in the master's custody, the Court thought it was not unreasonable to suppose that the doubloons had been also, and that therefore the master was plainly concerned in the Slave Trade. It would be also a fair inference from the above that Whydah, and not Aquita, was the ultimate port of destination of this vessel; and that slaves, and not salt, were to have been shipped, particularly when the owner's order, to be careful to get sufficient provisions for the return voyage, was kept in view.

In addition to the above there were also some papers and a log-book belonging to the Brazilian schooner "*Picon*" found on board this vessel, which clearly showed the "*Picon*" to have been engaged in the Slave Trade between Bahia and Whydah. How these very suspicious documents came on board the "*Nova Fortuna*" had not been explained, and the inference was therefore held to be unfavourable; nor had any statement been offered respecting the circumstances under which João Francisco Pereira transferred to the possession of the master his receipt for three slaves, held on his account by Joaquim Antonio da Silva, of Whydah, and the Court therefore concluded that the object of the master was to obtain the said slaves and carry them to Brazil in the "*Nova Fortuna*."

The log of that part of the voyage in which this vessel's trade was conducted had most improperly been kept on a loose sheet of paper, and really contained nothing more than when the vessel arrived off any particular port on the coast.

There was no account of the shipment of sand-ballast as alleged by the master, of the landing of the outward cargo, or of the embarkation of any of the return cargo, as there should have been in the vessel's log-book; whilst the brief account alluded to served to show that neither the master's nor the

mate's account of the time they had been occupied in trading was correct. Of this, however, there could hardly have been any doubt when these two persons could not agree in the description of their joint proceedings. For instance, at Annamaboe the master said they remained five days, whilst the mate declared it was only three days; the master, that they went next to Appam, the mate, to Fort Kormantine; the master, that they traded at Appam with Englishmen from Annamaboe, the mate, that they traded only with the natives; the master, that they were ten days at British Accra, and bought cowries, the mate, that they were five days there, and sold cowries.

Both the bills of lading appeared after their completion to have added to them 46 barrels of tobacco, but this the master denied; whilst neither of them included a bale of foreign goods mentioned in the manifest. Indeed throughout it was observable that the papers of the voyage were deficient in that openness and clearness which would have obtained for them a *bonâ fide* character.

Taking all these circumstances into consideration, together with the fact of this vessel carrying a very large crew for her tonnage, and the well-known connexion of Almeida and Costa, her owner and supercargo, as well as that of her mate, Carvalho, for some time past with the Slave Trade, the Court declared it could not come to any other conclusion than that the "*Nova Fortuna*" when seized was concerned in the Slave Trade, and she was accordingly condemned.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

Sierra Leone, July 22, 1841.

No. 127.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, August 2, 1841.

(Received September 20.)

MY LORD,

WE have the honour of informing your Lordship, that Her Majesty's sloop "*Persian*," Commander Eden, detained on the 29th of June last, in the River Congo, the Brazilian schooner "*Flor da America*," Manoel José Pereira, master, whilst engaged in an alleged voyage from Rio de Janeiro to Cabinda, on the ground of her being equipped for, and concerned in, the Slave Trade.

The detained vessel anchored in this port during the night of the 23rd ultimo, and on the following day her prosecution commenced before the British and Brazilian Mixed Commission on the above-mentioned charge, which having been satisfactorily established, her condemnation was decreed on the 31st ultimo.

Our report of this case is herewith laid before your Lordship.

It appeared from a paper found on board this vessel, that the "*Flor da America*" was either chartered or owned by José Antonio de Sampaio Guimarães, merchant of Rio de Janeiro, with whom the first mate and ostensible master of this vessel seems to have been connected in Slave Trade adventures for some time past.

We have, &c.,
(Signed) W. W. LEWIS.
M. L. MELVILLE.

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

Enclosure in No. 127.

*Report of the case of the Brazilian schooner "Flor da America," Manoel José Pereira, Master.*The official papers under which the "*Flor da America*" sailed were as follows:—

1. Imperial passport.
2. Muster-roll.
3. Bill of health.
4. Manifest.
5. Receipt for port dues.

The passport bore date on the 18th of April, 1840, and stated that this vessel was bound from Rio de Janeiro "to Angola, touching at the Northern ports and St. Thomas," under the command of Antonio Rozendo da Silva, and that she was owned by Manuel Nunez Pereira.

The muster-roll and bill of health were in strict conformity with the terms of the passport, and described her crew as consisting of 10 persons.

The manifest and bill of lading thereto were both signed by Antonio Rozendo da Silva, the master named in the passport, and bore date at Rio on the 17th of April, 1840. On the following day they were officially authenticated by the Portuguese Vice-Consul at Rio, Francisco João Mouriz.

The cargo appears to have been a general one, and as much as the schooner could have conveniently carried. It was shipped by José Antonio de Sampaio Guimarães, or Guimaraens, of Rio de Janeiro, and was consigned jointly to Manoel José Pereira and Antonio Rozendo da Silva, the former of whom appears in the muster-roll as first mate, and the latter as master of the schooner in all the papers.

In addition to the official papers above described, there were 33 others, of 5 only of which it will be necessary to give an account, the rest consisting of private and unimportant documents, and several of them being of old date.

A letter dated June 9th, 1841, from a person who signs himself "Medeiros," was addressed to Manoel José Pereira, at Boma, and was to the effect following:—"This morning I got your note directed to me at Porto Rico; I must acquaint you that the same day, or the day after, you left this, the brig 'Brisk,' and the day after the brig 'Persian,' showed themselves and waited outside the port, sending in their boats. Don Pedro (Malagarte) had some conversation with the officers, and asked them if they considered that a Brazilian vessel would be allowed to proceed to Rio de Janeiro in ballast with 9 casks of water and sufficient provisions for 20 prisoners; the answer they gave him was in the negative, and that this would be as much an infringement of the law as any other process. Don Pedro (Malagarte) is of opinion that when the boats and the vessels have left, you had better come here as being the only means of making your voyage."

From the letter hereunder given it will be evident that the "Pedro" alluded to in the foregoing communication is Pedro Malagarte, and the person who was to provide a cargo at Cabinda for this vessel on her return to Rio; and also that the captain of the schooner, named in the papers Antonio Rozendo da Silva, was at Cabinda, no doubt for the purpose of arranging for their departure. This letter was addressed by Manoel José Pereira on the 3rd of July, 1841, to Pedro Malagarte, at Cabinda, and was as follows:—

"FRIEND AND SIR,

"WHILST at anchor at Porto da Lenha on the 30th ultimo, intending the next day to go to Cabinda to receive the prisoners, having before addressed Senhor Medeiros (the writer of the foregoing letter) to have ready 8 pipes of water, and provisions sufficient for the crew and 20 prisoners, so that everything might be ready for a start, I was boarded and detained by three boats belonging to Her Majesty's brig of war 'Persian,' and as yet I am ignorant as to what place we are destined, or where the commander will order us. I would ask the favour of your stating the facts to *the captain* as to the nature of this voyage, and that it was my intention only to receive on board the 20 prisoners in addition to the crew."

There was a second letter written to Cabinda by Pereira on the 3rd of July ultimo, which was addressed to Faustino José de Barros, communicating the detention of the vessel, and requesting of Barros, should he have "the opportunity, that he will explain to *the captain* the true state of the case, and his wish to have gone out in ballast and proceeded to Rio de Janeiro with the prisoners." Pereira mentions to Barros that he has left at Porto da Lenha, with Don Angele, "7 old women and 13 he-goats," with a small box and 2 mats, all of which he wishes to have forwarded to Rio.

An account dated 26th of September, 1838, between Manoel José da Silva and José Antonio de Sampaio Guimarães, shows their money transactions in the course of a few months to have been to the extent of nearly 6000 dollars, but the nature of these transactions could not clearly be discovered from the account current, which consists chiefly of entries of "money lent," one of which is for 4000 dollars. There is a credit given at the foot of the account current for 3638 dollars in one sum, apparently as the result of some adventure in which the parties had been jointly engaged.

Another account current between Guimarães and Manoel José Pereira shows their pecuniary transactions for eighteen months, ending in April, 1840, to have been of the amount of nearly 15,000 dollars. Judging from the terms in which some of the entries in this account current have been made, it would appear that Pereira had been for some time past in the employ of Guimarães, and engaged in slaving adventures, as we find Pereira receives credit for "*wages due for 1839*" no less a sum than 4000 dollars (1000*l.*), and that in March, 1838, Pereira had advanced to Guimarães 4000 dollars as his share of the adventure of the "*Secundo d'Abri*," which ultimately realised him a profit of 2076 dollars.

On the 24th of July ultimo the Marshal to the Mixed Courts reported the arrival of the detained vessel in this harbour during the previous night; and on that day proceedings were instituted against her in the British and Brazilian Court, where the ship's papers, which had been first duly authenticated, were filed together with the seizer's declaration; the usual monition was issued, and the witnesses in preparatory were ordered for examination.

The seizer's declaration was as follows:—"I, Thomas Rodney Eden, Esq., commander of Her Britannic Majesty's sloop 'Persian,' hereby declare that on this 29th day of June, 1841, being in the River Congo, I detained the schooner '*Flor da America*,' sailing under Brazilian colours, commanded by Manoel José Pereira, who declared her to be bound from Rio de Janeiro to Kabenda, on the coast of Africa, with a crew consisting of 10 men.

"I further declare that, on examining the said vessel, I discovered that she carries 8 large casks of water, being a much greater quantity than is requisite for the consumption of the crew of the vessel as a merchant vessel; she does not produce any register of the vessel entitling her to claim the protection of the Brazilian flag for her present voyage; her cooking place being on a large scale, constructed of iron-bars, on a foundation of masonry, capable of cooking a greater quantity of provisions than is necessary for her crew; she has also a quantity of matting not requisite for her use as a merchant vessel; instead of a second or slave-deck, her hold is filled with sand to a level with the tops of her water-casks, such an immense quantity of sand not being requisite as ballast for so small a vessel; and further, she does not produce any log of her proceedings, nor can anything of the kind be found in the vessel."

On the 26th ultimo the Registrar examined Manoel José Pereira, the person found in charge of this vessel, who styled himself her master, but who appears on the muster-roll as first mate. This witness deposed, That "he was born at Braga, in Portugal. Resides at Rio de Janeiro, and has lived there 32 years. Is now a Brazilian subject; but witness emigrated from Portugal to Brazil when quite a youth, and before that period was a subject of the former state: is a widower, and his family reside at Rio de Janeiro. José Antonio de Sampaio Guimarães, the owner of the vessel, appointed witness to the command, and also delivered possession to him. The said José Antonio de Sampaio

Guimarães lives at Rio de Janeiro, and is a Brazilian subject. Took charge of the detained vessel at the above-mentioned city on the 6th of April, 1840. Has known her three years. First saw her at Rio de Janeiro; she was built at San João de Campos, a place at the distance of two days sail north of Cape Frio, in Brazils. Witness was present at the capture of the vessel, but is ignorant upon what pretence she was so seized. The said vessel sailed under Brazilian colours, and had in addition a United States' flag on board, which, however, was used solely as a signal. The vessel has always been called the '*Flor da America*,' and witness has never known her to go by any other name. Her burthen is 60 tons, and she was navigated by a crew of 9 officers and sailors, not including witness, some Portuguese and some Brazilians, but all shipped and hired by witness at Rio de Janeiro on the 16th of April, 1840. None of the officers and mariners, with the exception of witness, had any share or interest in the vessel or lading. He (witness) had an interest of one-third in the adventure, for which he paid José Antonio de Sampaio Guimarães 2500 dollars, but had no share in the vessel. Was master on board. There were no passengers. The present voyage began at Rio de Janeiro on the 23rd of April, 1840, and was to end at that place; thence the vessel proceeded to the River Congo, and arrived there on the 9th of June, 1840. Rio de Janeiro was the last port of clearance. On arrival in the River Congo witness established a trading factory at Boma, for the purpose of procuring the orchella or orchel weed and ivory. Witness left Boma on the 20th of June, 1841. During his stay at the above-mentioned factory, witness carried on lawful trade, and despatched one cargo of orchella weed and ivory to Lisbon on or about the 24th of November last, in a barque called the '*Constante*,' commanded by Francisco Antonio de Medeiros. Touched at no other port or place previously to capture. The vessel was at anchor at a place called Porto da Lenha, about 20 miles from Cape Padrõa, shipping water and ballast, when the man-of-war first came in sight on the 29th of June last. The course of the vessel to Cabinda (whither she was proceeding to take on board passengers, who had lately formed the crews of condemned slave-vessels, for a passage to Rio de Janeiro) had never been deviated from. There are 2 guns mounted (three-pounders), 4 muskets, 2 cutlasses, and 2 small kegs of powder. The vessel was so armed to repel any attacks from the natives. No resistance was made; neither had witness any directions to resist or avoid capture, nor to destroy or conceal any of the ship's papers. José Antonio de Sampaio Guimarães is the sole owner of the vessel. Knows this from the said owner having given witness command of the vessel, and from having been at Rio de Janeiro at the time of the purchase of the vessel. Guimarães is a Portuguese by birth, but now resides at Rio de Janeiro with his family, being a merchant of that city, and considered a Brazilian subject from his long residence there. Witness cannot state the exact period of his (the owner's) residence at Rio de Janeiro. To the best of his knowledge and belief the said owner formerly lived at Oporto. There is a bill of sale now in the possession of the owner at Rio de Janeiro. To the best of witness's knowledge and belief it is about three years (at the time when witness first saw the vessel at Rio de Janeiro) since the said document was made. Is ignorant of the names of the seller or sellers of the witnesses to the sale, and of the price paid for the vessel. Last saw the bill of sale at Rio de Janeiro about three years ago, did not read its contents. Knows that the owner paid the purchase-money, and that the sale was a true one, having been told so by the said owner; but he cannot say whether the amount so paid was a fair equivalent. Verily believes that the vessel, if restored, will belong to the said José Antonio de Sampaio Guimarães, and to no other person. Witness knows of no private agreement for the return of the vessel to her former owners. The owner of the vessel was the lader of the cargo, two-thirds of which belonged to him and one-third to witness, the whole being under consignment to himself. The said cargo was to have been disposed of on the Coast of Africa for produce under the direction of witness. Knows that Guimarães owns two-thirds of the cargo from his having shipped and delivered it to witness, and that therefore if restored it will belong to the said owner and himself. He does not know the description of cargo which the vessel carried on her last voyage. The lading on the present voyage consisted of powder, dry goods, muskets, beads, and aguadiante. The detained vessel touched at Cabinda for 18 hours after capture, and then came direct to Sierra Leone. All the papers found on board the detained vessel are true and fair, and no variation, for the purpose of investing them with a false character, has been made at any time by any person. None of the bills of lading, letters, or other papers taken on board at the time when the detained vessel left Rio de Janeiro, have been destroyed or concealed at any period of the voyage. There are no papers of any description, except the bill of sale, in any other country concerning the vessel or cargo. No charter-party was signed for the voyage. He does not know whether the vessel or cargo has been insured either partly or entirely. Bulk was broken by witness's direction, at Boma, in the River Congo, in the month of June, 1840, for the purpose of making trade. None of the cargo has been landed at any other place. The hatches of the vessel are not fitted with open gratings. The coamings of the hatchways are not, nor have they ever been, bored to receive iron bars or wooden gratings. There are no round or flat iron bars on board. There are two bulk-heads, those of the cabin and fore-castle, and two bunks or sleeping berths. There are no spare planks. There is no slave-deck nor a part of one laid. There are no shackles, bolts, or handcuffs. There are 8 pipes and 3 barrels on board—6 of the former being now full of fresh water and 2 (which also contained water at the time of capture, but which have been expended in the voyage to Sierra Leone) empty—the 3 barrels still hold aguadiante. There were no tanks nor staves. The 8 pipes and 3 barrels are capable of containing 1175 gallons of liquid. This large quantity of water was on board, not only for the consumption of the crew, but principally for the passengers, who were to have been shipped at Cabinda for Rio de Janeiro. There is only one mess-tub on board for the use of the crew. There are no large copper or iron boilers. The cabouse is small, and fitted with two small boilers. There is but a small quantity of firewood. There are 3 bags of farinha and 1 or 2 bags of Indian corn for the consumption of the crew; but no rice, flour, nor jerked beef."

The other witness sent up by the seizer was the cook of the detained vessel, named Bernardo, a native of the Okoo country, and who knew so little of Portuguese that the Registrar had to examine him through an Okoo interpreter.

This witness proved to be exceedingly ignorant, having a most imperfect knowledge of the mode used to calculate the passage of time, and could testify to little or nothing respecting the vessel or her voyage, the owner or even the master of her, whom he had only been acquainted with since he joined the schooner for the voyage in which she had been detained. The master's statement that the crew found on board had been all shipped by him at Rio de Janeiro in April, 1840, was, however, contradicted by this witness, who swore that the crew shipped at Rio had either died or deserted in the River

Congo, and that the hands found on board were men who had belonged to slavers captured on the coast to the southward of the equator, and who were shipped on condition of working their passage across to Rio. We allude thus pointedly to this explanation, as from it a contradiction may be inferred to some extent of the master's statement, that his illegal equipment had been embarked for the use of his 20 passengers to Rio from Cabinda, and whom he represented as having formed the crews of captured slavers. Concerning the voyage, the witness could only depose that it began about a year ago at Rio, at which port it was to have ended; and that they went thence to the River Congo, and there remained until the time of seizure. As to the trade he knew nothing; and of the master's alleged large shipment of orchella and ivory to Lisbon he appeared to be equally ignorant.

Publication of this evidence was given on the 29th ultimo; and on the succeeding day the surveyors presented their sworn report of the equipment of this vessel.

The surveyors stated that the schooner had three hatches, two of which were of the ordinary kind, but the third, the main hatch, was of the unusual dimensions of seven feet six inches in length and three feet ten inches in width. That there were only the requisite bulkheads or divisions below deck, but that on deck the schooner was provided with two moveable sleeping berths, which the surveyors reported as "not required in a lawful trader." That the hold of the vessel was filled to the level of the water casks, and within four feet five inches of the deck, with sand, on which mats could conveniently be spread, thereby offering a substitute for the usual slave-deck. There were also found on board nine very large coarse mats. Two streaks of the ceiling were removed, affording the means of support to slave-deck beams should it be desired to lay a wooden slave-deck. Eight water casks were found on board, together equal to carrying 1040 gallons, a quantity not required by the crew, in the opinion of the surveyors. The cabouse was so formed as to be capable of receiving a boiler two feet four inches in length and two feet in breadth. And a very large quantity of firewood was on board, forming a supply much beyond the wants of the crew of the vessel.

The monition in this case was returned on the 31st ultimo, on which day the Court met for the adjudication of the case.

The thorough disregard of truth observable in the evidence of the man Pereira, who was found in command of this vessel, particularly in respect to his contradiction of the official papers of the schooner, by declaring that Guimarães, the owner of the cargo, was also owner of the vessel, and that he, Pereira, was the master of her, induced the Court to attach no weight to his solitary attempt at explanation of the vessel's illegal equipment, by representing that the unnecessary number of water-casks on board were for the use of the crew and the passengers whom he proposed to take from Cabinda to Rio de Janeiro, and which passengers he described as persons who had formed parts of the crew of captured slavers, an account rejected by the Court as unreasonable under all the circumstances of the case. The schooner, therefore, was left liable to the full consequences of having been seized fitted for the traffic in slaves, and a sentence of condemnation was in consequence pronounced upon her.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.*Sierra Leone, August 2, 1841.*

No. 128.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 3, 1841.**(Received September 20.)*

MY LORD,

WE have the honour to forward herewith our report of the case of the brigantine "*Dona Elliza*," condemned this day in the British and Brazilian Court of Mixed Commission, for being equipped for the Slave Trade.

In this case there were no papers to show the nationality of the vessel, but we were of opinion, that her flag and the corroborative evidence of the mate sufficiently established her Brazilian character.

From the ignorance of this witness, affected or real, we were unable to trace the proceedings of the vessel prior to her capture, but of the intention to employ her in the conveyance of slaves we could have no doubt.

We have, &c.,

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.*The Right Hon. Viscount Palmerston, G.C.B.,*
&c. &c. &c.

Enclosure in No. 128.

Report of the case of the brigantine "Dona Elliza," Antonio da Silva Monteiro, Master.

THIS vessel was detained under Brazilian colours in the roadstead of Benguela on the 30th of June, 1841, by Lieutenant Matson, commanding Her Majesty's brig "*Waterwitch*," who found her equipped, as he considered, for the Slave Trade, but without any ship's papers to indicate her nationality.

The "*Dona Elliza*" arrived in Sierra Leone on the evening of the 25th of July, and was reported by the Marshal the following morning. Proceedings commenced against her in the British and Brazilian Court of Mixed Commission on the 27th, when the captor's declaration and the affidavit of the prize-officer were filed in the case, together with some papers which had been discovered on board, but which subsequently, after a careful examination, were found to be unimportant, and to consist of old logs bearing name neither of master nor of vessel, manuscripts on navigation, and some smaller papers of no value, and mostly without date or without signature.

The captor's declaration is as follows:—"I, Henry J. Matson, lieutenant and commander of Her Britannic Majesty's brig '*Waterwitch*,' hereby declare that on this 30th day of June, 1841, being in the roadstead of Benguela, I detained the brigantine named the '*Donna Elliza*,' sailing under Brazilian colours, not armed, in the temporary command of Joaquim José d'Azevedo, the mate, who declared that the master Antonio da Silva Monteiro was ashore, and had with him the vessel's papers; that she was bound from Cape Verd Islands to Benguela, and to return to Cape Verd, with a crew consisting of eight men, whose names were not taken, no boys, no passengers, and being equipped for the Slave Trade, having on board a larger quantity of water than necessary for the crew of any merchant vessel, an extraordinary quantity of farinha, rice, and dried beef, the mate not being able to give any reason for having it.

"I do further declare that I seized this vessel in the first instance on suspicion of her being a Portuguese; that although lying in a Portuguese roadstead no national colours were hoisted on shore during the stay of the '*Waterwitch*;' that the governor left a few days since, leaving the place literally in the hands of slave traders, which circumstance I considered justified my searching in an open roadstead for Portuguese slave vessels, in pursuance of my instructions.

"I do further declare that I waited until two P.M. on the 1st of July for the master of the vessel, when I was informed by a person sent off by the acting governor that he had absconded, and could not be found."

The affidavit of the [prize officer authenticating the papers, stated in addition that at the time of seizure the master of the "*Dona Elliza*" was, as the mate informed the captors, on shore, and had the vessel's papers with him; that Lieutenant Matson in consequence sent a letter to the authorities at Benguela, requiring the attendance of the said master, and after waiting till the 1st of July, a messenger was sent off to Her Majesty's brig "*Waterwitch*," to state that the master had absconded, and could not be found; that the mate and boatswain were left on board the "*Dona Elliza*," to be sent to Sierra Leone, and the remainder of the crew landed at Benguela; but on the day after seizure the boatswain being found to be labouring under a severe attack of fever, and also to be covered with ulcers, the prize officer (having no medical man on board) had him conveyed to a Portuguese brig lying at anchor at Benguela; that it was found impracticable to procure any other of the captured crew in the boatswain's stead, as they had all been landed previously; and finally that (as appeared from a certificate signed by Lieutenant Matson, and attached to the affidavit) the commander of the "*Waterwitch*" had taken 600 gallons of fresh water out of the prize for the use of Her Majesty's brig.

The monition and a commission of survey were issued the same day on which the above-mentioned documents were filed, and on the following day (the 28th) the mate, Joaquim José d'Azevedo, was brought up and examined by the Registrar on the standing and standing special interrogatories, and deposed that "he was born at Pernambuco. Has resided at Rio de Janeiro for the last four years, and has never been under allegiance to any other state or power than Brazil. Is not married. The name of the master is Antonio da Silva Monteiro; he was left behind at St. Philip de Benguela, from severe illness, and witness then engaged to take charge of the detained vessel. Has known the said master about two months. He lives at Rio de Janeiro. Does not know where he was born, nor whether he be married. Does not know who appointed the master to the command of the vessel, or gave him possession. First saw the vessel at Benguela about the middle of May last. To the best of his knowledge and belief she is Brazilian built. Witness was present at her seizure, but cannot say for what reason detention took place. The vessel sailed under Brazilian colours; had likewise a private signal flag on board, somewhat resembling Buenos Ayrean colours. The vessel has never borne any other name than '*Dona Elliza*,' to witness's knowledge. Does not know her tonnage. There were nine officers and mariners, exclusive of the master, Portuguese and Brazilians. Is ignorant at what port or ports, or by whom they might have been shipped, as he found all the crew on board when he engaged as mate at St. Philip de Benguela, in May last; had no share himself in vessel or cargo. Cannot say whether any of the officers or mariners had any interest in either. Was second mate. There were no passengers. He does not know where the voyage began, as witness only joined the vessel at St. Philip de Benguela in May last. It was to have ended at the Cape Verds. Is ignorant of the last port of clearance, never having had access to or seen any of the ship's papers. Touched at no port or place during the voyage of detention, except at Benguela. The vessel was at sea fifteen days altogether after leaving Benguela for the Cape Verds, her destination; and having sprung a leak, was compelled to put into St. Philip de Benguela a second time; reached that port on the 1st of June. Here every effort was made to repair the vessel, and in this work the crew of a Portuguese sloop-of-war, the '*Prinzeza Real*,' rendered every assistance. Had frequent communication with the shore at Benguela, but not for commercial purposes, to the best of witness's knowledge, as the vessel was to go in ballast to the Cape Verds, and was in this state when witness first came on board. Capture took place at Benguela on the night of the 1st July last. The detained vessel was at anchor at the time the man-of-war's boats boarded and took her. Did not attempt to get under weigh, most of the crew being below and asleep when seizure took place. The course of the vessel had been always directed to the Cape Verds previously to springing the leak, which circumstance obliged her to return to St. Philip de Benguela for repairs. Thinks that after the stoppage of the leak the vessel would again have proceeded to the Cape Verds. There are no guns mounted, nor any muskets, cutlasses, pistols, or ammunition; no resistance could therefore be made; neither had he any instructions from the captain to do so. Had no directions to destroy or conceal any of the ship's papers. He does not know who the owners of the vessel are, nor anything about them, never having received, during his short employment on board, any information on this subject, either from the master or any of the crew. He knows nothing about any bill of sale, or the price of the vessel. Cannot tell to whom she would belong in the event of restitution. Does not know if there be any private agreements. When witness joined the vessel she was in ballast, and therefore he cannot tell who were the owners and laders of the outward cargo, if, indeed, any had been landed during the present voyage. The consignee at Ben-

guela is one Senhor Vianna (cannot remember his other names); he is a merchant and resident of the above-mentioned place. Does not know at whose risk, and on whose account, the outward cargo, if there were any, was shipped. He cannot say of what the lading of the vessel might have consisted on the last voyage, since he only shipped at Benguela two months ago. Is also ignorant of the nature of the outward cargo on the present voyage, the vessel having been in ballast when he (witness) went on board as second mate. Came direct to Sierra Leone after capture. He does not know whether the passport and other papers are true or false, because witness has never seen or examined them. Has heard that the captain carried away the said papers in his trunks when he went ashore. Witness never on any occasion saw any of the papers destroyed, concealed, or made away with; nor were any papers delivered out of the vessel or carried away. Cannot say whether there are any papers relating to the vessel or cargo in any other country. Knows nothing of any charter-party. Does not know whether the vessel was insured. Cannot say whether bulk was broken during any part of the voyage. The hatches are not fitted with open gratings. The hatchways are not bored for the reception of iron bolts or bars, or for wooden gratings. There are no irons on board. There are three bulkheads, separating the cabin from the store-room, the store-room from the hold, and the fore-castle from the hold. There are two single sleeping-berths on deck. There are no spare planks. There is no part of a slave-deck laid. There are no shackles, bolts, or handcuffs. There are 16 pipes, 1 hogshead, and 2 barrels on board, but no tanks or staves. Thinks that the above-mentioned casks are capable of receiving about 2030 gallons of water. Witness says that nearly all the water-casks, to the best of his knowledge and belief, were full at the time of seizure; but cannot tell how many are so now, or whether the water contained in the said casks is fresh or salt. Shipped this large quantity of water for ballast. There are two or three mess-tubs on board for the use of the crew. There are no large iron or copper boilers on board. The cabouse is a small one. Witness does not know how many boilers there are to fit into it. There are 3 bags of rice, 23 bags of farina, and 125 lbs. of jerked beef, for the consumption of the crew." On the 28th the Commissioners of Survey reported on the equipment of the vessel. That they had found the main hatch larger than required in a merchant vessel of the "*Dona Eliza's*" class, being 6 feet 10 inches long by 4 feet wide. That there was a bulkhead below more than necessary for the vessel, if engaged in legitimate traffic; and two banks or sleeping-berths on deck, not required in a lawful trader. That the ceiling of the vessel was open on both sides to within 5 feet of the deck, on which spars might be laid to receive a slave-deck; and that there were four rough boards, capable of being used to form part of a slave-deck. That there was one shackle-bolt 2 feet 11 inches in length. That there were 20 water-casks, capable of holding 2215 gallons, a quantity far greater than sufficient for the crew; and that 13 of these casks were still filled with fresh water. That the cabouse of the vessel was so constructed that the top might be opened to receive a boiler of very large dimensions, the lower part being at the same time furnished with an oven much larger than requisite for the crew of the vessel. That there were of farina 29 bushels, of rice and corn $4\frac{1}{2}$ bushels, and of jerked beef $1\frac{1}{2}$ hundred-weight, a greater quantity of provisions than requisite for the crew. And, finally, that there were 5 tin syphons on board, alleged to be used by the slaves for drinking water from the casks.

There being no further evidence to adduce, and no claim having been presented, the proctor for the captors closed his case, and prayed, on the 31st of July, for a day of trial, which was appointed for the 3rd of August, on which day the monition having been returned, the Court met, and being of opinion, from the evidence brought forward, that the Brazilian character of the vessel had been established, and her equipment for the Slave Trade fully proved, pronounced sentence of condemnation accordingly.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

Sierra Leone, August 3, 1841.

HAVANA.

No. 129.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 11, 1841.

WITH reference to your Despatch of the 3rd of December, 1839, respecting a cargo of slaves which were landed on the Island of Cuba from the Portuguese ship "*Amalia*," I herewith transmit to you a copy of a Despatch from Her Majesty's Envoy at Madrid, containing an assurance from the Spanish Government, that orders have again been sent to the authorities at the Havana, enjoining them to cause the provisions of the Treaties for the Suppression of Slave Trade to be scrupulously fulfilled.

(Signed) I am, &c.,
PALMERSTON.

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

Enclosure in No. 129.

Mr. Aston to Viscount Palmerston, December 21, 1840.

(See Class B., 1840, No. 32, p. 26.)

No. 130.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 19, 1841.

WITH reference to previous correspondence respecting the tonnage duties exacted at the Havana on the return of vessels, freighted to convey away from Cuba Africans liberated by the Mixed Court of Justice in that island, I herewith transmit to you, for your information, a copy of a communication from Her Majesty's Envoy at Madrid, stating that the Spanish Government decline to comply with the request made by Her Majesty's Government, that the tonnage duties in question might be remitted.

(Signed) I am, &c.,
PALMERSTON.

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

Enclosure in No. 130.

Mr. Aston to Viscount Palmerston, December 21, 1840.

(See Class A., 1840, No. 31, p. 25.)

No. 131.

Her Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Havana, December 15, 1840.
(Received February 13, 1841.)

THE only vessel we have had reported to us as having sailed from this

port during the last month, under suspicion of being intended for Slave Trade, is the Portuguese brigantine "*Josefina*," which cleared out hence on the 3rd, ostensibly for Monte Video, but whose real destination is believed to be for the coast of Africa, not only from the circumstance of her sailing under the Portuguese flag, but also from no entry being made of the names of master or merchant, as is usual in the course of lawful business.

The arrivals, however, during the month, we regret to observe, fully equal in number any at this season of former years, and we regret it the more, as we fear our reports do not reach the full number, from finding our difficulties of obtaining information on such points continually increasing. Still the facts of such arrivals remain unquestionable; and though names and particulars of minor details may not reach us, we are enabled to trace sufficient to show the unabated extent of slave-dealing transactions.

- Nov. 2.*—A vessel consigned to M. Forçade arrived, and landed on the coast, it is said, 427 negroes.
- „ *6.*—A Portuguese schooner entered the harbour, of which no notice being taken in the public notices of arrivals, raises a presumption of its not having been engaged in lawful trading.
- „ *15.*—Portuguese brig "*Vigilante*," consigned to Menendez, Mendive, and Co., having landed about 560 negroes on the coast.
- „ *15.*—Portuguese brig "*Aguila*" arrived without any negroes, having found the port to which she was destined so blockaded, that she was obliged to return empty.
- „ *15.*—About the same time arrived a schooner, consigned to D. Pedro Martinez and Co., with about 240 negroes.
- „ *23.*—Portuguese schooner landed upwards of 230 negroes at Mariel.
- „ *23.*—About the same time a "*Pailebot*," with 286 negroes, arrived, consigned to Forçade.
- „ *30.*—Portuguese brig "*Gabriel*" arrived in this port, after having landed on the coast more than 400 negroes. While in the act of embarking her cargo, it is said, she was attacked by an English schooner of war, so that she was obliged to leave 200 negroes behind. Two launches, full also of negroes, it is said, were sunk by the balls of the English schooner in firing upon her,—a circumstance much to be lamented, if true. The "*Gabriel*" was expected to bring as many as 800, and belongs to the slave-trading firm of Manzanedo and Abrisqueta.

Altogether the numbers mentioned above amount only to under 1800, but we have heard from good authority that as many as 2600 were brought during the month.

The vessel which landed her cargo on the 23rd was fallen in with off the coast by Her Majesty's surveying schooner "*Lark*," Captain Smith, who, however, did not chase her, as he had not the "instructions" required.

From these and the latter reports your Lordship will perceive that the American flag seems to be falling into disuse; and we trust that your Lordship's remonstrances to the United States Government will be attended with effect. Mr. Trist is still absent, and we learn has been called on to answer the report which Mr. Everett had made on the subject of the assistance he had lent the slave-dealers, in pursuance of the mission entrusted to Mr. Everett, as detailed to your Lordship in Mr. Kennedy's separate Despatch of the 15th June last. Mr. Everett again arrived here the beginning of last month, but we understand only on private business connected with the ice-house monopoly, though it is not improbable he may hold secret instructions and powers to take charge of the consulate, should any emergency require it. We have reason to believe that he had such authority on his former visit to this place. The Vice-Consul meanwhile is acting as Consul.

We have, &c.,

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 132.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 1, 1841.**(Received February 13.)*

MY LORD,

IN obedience to the Act 5 Geo. IV. c. 113, directing such Return to be made on the 1st day of January and the 1st day of July in every year, we have the honour to report that there was no case brought before the Mixed Court of Justice at this place during the six months last past.

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

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

No. 133.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 1, 1841.**(Received February 13.)*

MY LORD,

IN obedience to the directions given in your Lordship's Despatch of the 7th of July, 1840, desiring us to transmit half-yearly Returns of the number of captured negroes put on board the "Romney" during the preceding six months, we have the honour to report that there have been no captured negroes put on board that vessel during the six months last past.

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

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

No. 134.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 26, 1841.

WITH reference to your Despatch of the 31st of October, 1839, and to previous correspondence respecting the Spanish law by which free negroes are forbidden to land in the Island of Cuba, I herewith transmit to you for your information a copy of an instruction which I addressed upon this subject to Her Majesty's Envoy at Madrid, together with the copy of the representation which Her Majesty's Envoy made to the Spanish Government in pursuance of that instruction.

I am, &c.,
 (Signed) PALMERSTON.

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

Enclosures in No. 134.

Viscount Palmerston to Mr. Aston, October 20, 1840.

(Class B., 1840, No. 20, page 19.)

Mr. Aston to Viscount Palmerston, February 8, 1841.

(Class B.)

No. 135.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 27, 1841.

WITH reference to your Despatch of November the 7th, 1840, containing an account of an assault committed by a Spanish subject upon one of the soldiers of Her Majesty's ship "Romney," I herewith transmit for your information a copy of an instruction which I addressed upon this subject to Her Majesty's Envoy at Madrid, together with a copy of the representation which Her Majesty's Envoy made to the Spanish Government, in pursuance of that instruction.

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

I am, &c.,
(Signed) PALMERSTON.

Enclosure in No. 135.

Viscount Palmerston to Mr. Aston, December 29, 1840.

(See Class B., 1840, No. 30, page 25.)

(Extract.)

No. 136.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, March 15, 1841.*

I HAVE received from Mr. Turnbull a copy of correspondence which he has had with the Governor-General of Cuba, respecting the emancipated negro Gavino.

I transmit to you copy of an instruction which I have addressed to Mr. Aston, Her Majesty's Minister at Madrid, stating the demands of Her Majesty's Government with respect to negroes emancipated under the Treaty between Great Britain and Spain.

I likewise transmit to you a copy of the instruction which I have addressed to Mr. Turnbull upon this subject.

I have to desire that you will concert with Mr. Turnbull the best mode of carrying into effect the desire of Her Majesty's Government with respect to the Africans liberated under the Treaty of 1817; and that, placing yourselves in communication with the authorities of Cuba, you will make with them preliminary arrangements, under which the unfortunate Africans in question may be brought before you, and then handed over, if they wish it, to the Superintendent of Liberated Africans, to be by him sent to a British colony, where they will by law as well as by treaty be free.

I cannot close this Despatch without enjoining you, as an essential part of your duty, to act always in cordial concert with Her Majesty's other functionaries in Cuba and elsewhere, upon subjects connected with Her Majesty's service.

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

I am, &c.,
(Signed) PALMERSTON.

Enclosures in No. 136.

1. *Viscount Palmerston to Mr. Aston, March 4, 1841.*
2. *Enclosure in the preceding—Mr. Turnbull to Viscount Palmerston, December 30, 1840.*
3. *Viscount Palmerston to Mr. Turnbull, March 4, 1841.*
(See Class B.)

No. 137.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 1, 1841.*

MY LORD,

(Received March 19.)

WE have the honour to submit our annual report of the state of the Slave Trade at this place, and also, as usual, to enclose with it lists of vessels despatched

hence in the last two years, suspected of being intended for that traffic; together with one, of vessels that have arrived here during the last year from the coast of Africa.

Of these vessels, though the particulars we have been able to obtain may not in some respects be so full as might be desired, yet we believe that in the essential point of numbers the lists approach, as nearly as can be hoped for, to correctness. We feel warranted, therefore, on account of the conclusions to be drawn from them and other considerations, to express our humble congratulations on the very marked success they present, attending your Lordship's policy and endeavours to put down the Slave Trade.

Previous to the year 1838 it is well understood that there were about 80 vessels from this port engaged in that traffic. The list for 1837, which is the first we have to be relied on, from the better mode of information then obtained, enumerates as having sailed in that year for Africa 71 vessels.

The list for 1838 enumerates also	71 vessels
The list for 1839 decreased to	59 „
The list for 1840 shows further decrease	54 „

making an apparent decrease of one-fourth in the number of vessels despatched, but in reality more, if we consider that five at least of the American vessels were sent merely with stores and equipments, or as tenders to the slave-vessels.

Nor is the falling off less satisfactorily exhibited in the number of vessels arriving from the coast of Africa.

In 1837 the number returned was	51
In 1838 „ „	50
In 1839 „ „	47
In 1840 the enclosed list shows it	41

At first sight this may appear a decrease of only about one-fifth; but an examination of the list will show that of those 41 vessels there were—

1st. Americans that returned in ballast, viz. Nos. 19, 20, 22, 24, and 28	5
2nd. Spanish that arrived only with passengers, the crews of vessels condemned at Sierra Leone, viz. Nos. 1 and 4	2
3rd. Spanish brig " <i>Aguila</i> ," No. 35, that came back empty, finding her port of destination too strictly watched to be able to enter	1

Consequently the real decrease in the arrivals may be estimated at one-third also.

With regard to the number of slaves actually introduced during the year we are further fortunate enough to have obtained a return that may be relied on, as made up from the reports received at the particular place of meeting or exchange for persons engaged in the Slave Trade. This is a store in the Government Plaza or square of the city, belonging to a person named Abreu, whose name is often to be met with in the papers relating to Slave Trade laid before Parliament. From this return, which agrees substantially with our own ascertained lists, we believe we can confidently state, that in 1840 there were but 28 vessels arrived in this port and neighbourhood with negroes, the others having landed their slaves at other places, and that these 28 vessels brought no more than the given number, 10,104 negroes.

From the same authority we learn that in 1840 there were but 6 vessels arrived at Matanzas, which brought 1652 negroes. To Santiago de Cuba it states there were only two cargoes of slaves brought in 1840, but does not give their number, nor any particulars from the other ports of the island. But supposing the two vessels to Santiago brought 550, according to the average of those to Matanzas, making them together 2200, and giving an equal number for Trinidad and the smaller ports, which is certainly a full allowance, still the whole number brought to the island in 1840 would be less than 15,000, or under three-fifths of the supposed average of former years.

Nor is this decrease in the supply to be explained away by any supposition of a decrease in the demand. The price of slaves in the market continues the same; and one of the late cargoes has been sold, we are credibly informed, though the negroes were very young, at the price per head of 425 dollars cash payment.

Meanwhile the planters are continuing their increased exertions for the greater production of sugar. In our former reports we have called your Lordship's attention to this view of the question, as one of the best criterions by which we could judge of the future state of the Slave Trade. In our last yearly report, dated the 1st January, 1840, we stated that, notwithstanding the extraordinary increase of late years in the exportation of sugar, "in the present season it is well ascertained the exports will reach full 700,000 boxes, or 140,000 tons. Our information proved correct, inasmuch as the exports from Havana and Matanzas were returned as 711,000 boxes, and we refer to it as a guarantee for the accuracy of the assertion we now make on the same authority, that the exports of the present season from these two ports will approach to even 800,000 boxes, or 160,000 tons, which is alone equal to the consumption of the British islands. Supposing the exports of the other places in Cuba to amount to 300,000 boxes, and the consumption in the island to another 100,000 boxes, we consider we cannot give a better criterion of the impetus given to sugar cultivation, or of the demand for labour. Such extraordinary increase, double within five years, may no doubt partly be accounted for by the formation of railroads, and the adoption of steam-engines and other improved machinery. But still it must be seen that it could not be obtained without a greater demand, increasing with it, for labourers; and that these labourers, in the present state of the country, must be expected to be obtained only from Africa.

Such might be the expectations at first entertained on this view of the question. But we feel assured your Lordship will be much gratified to learn that a spirit hostile to the Slave Trade has risen up, so practical in its character as to induce many planters to seek free labourers for their estates, in the place of slaves. On this subject several disquisitions have recently appeared in the several periodicals of this city, including the monthly publication of the *Sociedad Patriótica*. Of one of these, from the *Diario*, or government paper, which is also remarkable for holding a tone in favour of Creole interests, as distinguishable from those of the mother country, we enclose a translation, interesting from its novelty as well as its importance. From this your Lordship will perceive that a number of Catalan colonists, about 60, have been actually brought into this island, under a strict agreement for six years to labour in the field; and if the speculation should prosper, as we trust it may, there can be no doubt that a very severe blow will have been struck at the continuance of slavery itself, as well as of the Slave Trade.

For white labourers Spain possesses an immense advantage in the teeming population of the Canary Islands, containing a hardy race, well prepared for this climate, though their habits of industry are not so well directed, it is said, as are those of the Catalans. From those seven islands it is estimated that more than 15,000 persons emigrate every year to Cuba and South America, of whom not more than one-third come to this island. Under judicious application of her advantages, Cuba might probably secure a larger proportion of those emigrants, and so supply her agricultural wants by labourers, who, if they would require more wages, and better food and treatment than the enslaved natives of Africa receive, would unquestionably compensate for the outlay by their superior intelligence and better-applied industry.

We sincerely trust that this praiseworthy experiment may have a fair trial, and prosper; for without some such substitute for slave labour we fear that the Slave Trade will continue unabated, under the extraordinarily increasing development of the resources of the island. On every side we find proofs of astonishing prosperity, founded on bases too sound to admit a doubt of their continuance. The population of this city in less than 12 years has increased from 94,000 to upwards of 130,000, and that of the other chief cities it is said in proportion. Large towns have sprung up with extraordinary rapidity, Cardenas, about 15 leagues from Matanzas, within the last five years; Cienfuegos, near Trinidad, within the last ten; and a small village, Nuevitas, within the last year, has assumed the character of a flourishing seaport. To this place a railroad is now making from the city of Principe in the interior, containing 55,000 souls, and another is projected thither from Villa Clara, a town of 10,000 inhabitants in the interior, though it is a question whether it be taken to Nuevitas or Cienfuegos.

Meanwhile other improvements are going on in silent but in an astonishingly

rapid progress. The communications with the interior are extended by rail-roads, of which one to the south is already opened to Guines, a distance of 75 leagues, and two others are nearly completed. A fourth, as has been mentioned, is projected from Villa Clara to the sea, and steam-boats are in active employment along the coast, with others advertised soon to be started. The streets and roads about the Havana also are in course of wonderful improvement, the public walks are extended and well kept, and no fewer than eight new fountains within three years have been erected, with more or less taste, in the city and suburbs, for the accommodation and health of the inhabitants. New houses are being erected, but not sufficiently so to meet the demand for them, while rents have risen 50 per cent. within a few years. In the last year it is stated that there have arrived in this city as passengers (according to the government paper)

Nacionales	.	.	2919
Strangers	.	.	2847

5766

of whom probably full two-thirds may be considered permanent additions to the population.

One circumstance we consider worthy of remark with regard to this population, that there are few traces observable of a mixed race, and consequently that one source of danger, supposed to exist among such classes of inhabitants, is not here to be apprehended. This may no doubt be ascribed to the great number of whites, of whom it is said there are in the island 440,000 to 660,000 people of colour, of whom 498,000 are slaves. This would make a proportion of two whites to three coloured persons, whereas in Jamaica, according to Mr. M'Queen's estimate in 1831, there were in round numbers 30,000 whites to a coloured population of 356,000, or as 1 to 10, and since then we understand the white population has considerably fallen off.

Under these circumstances, could the Slave Trade be effectually put down, this fortunate island seems to possess every means of maintaining in sound prosperity a numerous white race interposed between the black population of the West India Islands and the alarmingly increasing coloured population of the Southern States of the North American Union. That white race in this island we think sound policy would require every attention to maintain, and one means in the power of the Spanish Government has been pointed out in the *Diario* peculiarly advisable. Every year, by the policy of the Government, there are 400 soldiers ordered to Spain on the expiration of their service, and their places and other vacancies are all supplied by recruits from Europe. Many of these 400 retired soldiers would, no doubt, if they had the option, prefer remaining here, and thus form an important addition to the white inhabitants, while the expense of transporting them home might be avoided. But the prospect of increasing the white population of Cuba is by many persons here looked on with apprehension, and General Tacon made no scruple of openly expressing his opinion, that it was sound policy to admit slaves to be brought from Africa, who would in effect be a check upon the whites. Whatever may be the operating causes, it is a melancholy truth, that negroes are introduced so openly and notoriously as to afford no doubt of its being done with the direct connivance of the Government. That the Creole inhabitants have no particular favour for the trade we have every day more reason to believe. In fact, they know full well that it tends not so much for their benefit, or the supply of their estates, which are already sufficiently stocked, as for the benefit of new settlers, opening new estates. These new settlers, who are generally foreigners, and in a large proportion from the United States, are justly regarded as rivals, and therefore are exceedingly distasteful to the natives. As soon as a planter has his estate sufficiently supplied, he has in fact a direct interest in suppressing the Slave Trade, because, if it were suppressed, his property would at once double in value, and the great effect upon the country would be the preventing of the opening of new estates. The owners of slaves would also be under the necessity of paying more attention to their health and reasonable labour, and thus their situation would at once be considerably improved. With such attention there is no doubt but that the agricultural wants for labour in the island might be sufficiently supplied from the natural increase, as in the slave-holding States of the North American Union, where it is well known the coloured population increase at the rate of 60,000 per annum.

CLASS A.

Our conclusion is, as we stated in our last year's Report, that the planters would without a murmur see an end put to the Slave Trade, which has, in fact, no other supporters than those who are interested in it. These are, 1st. The slave-dealers; 2nd. The merchants, who, we regret to say, are all more or less involved with the slave-dealers; and 3rd. Those members of the Government who share in the fees paid per head on the introduction of the negroes. To these fees we adverted in our last year's Report also, and refer to them again, principally because we consider them the one great obstacle to the suppression of the Slave Trade, but partly because, by the Parliamentary Papers, we find them brought forward by evidence satisfactory and tangible enough to be treated of beyond our Report (see Papers for 1840, Class A., in two different cases, pp. 39 and 59). We trust, therefore, that your Lordship will not allow of any evasion on the subject, in answer to the representations made to the Spanish Government respecting them (Papers, Class B., p. 16).

When the local Government has so direct an interest in the trade, there can be no wonder at its continuance, nor at another remarkable circumstance in the history of the Treaty, that during the 20 years in which the Commission has been in existence there has not been one case of a slaver detained by a Spanish vessel of war, except the one can be so considered of the "*Maria de la Gloria*," under Portuguese colours, in 1824, which was retaken from a privateer by the Spanish brig of war "*Marte*." Yet during these 20 years there have probably sailed from the different ports of the island some hundreds of vessels engaged in that traffic, in open violation of the law and the Treaty. Nor should it be supposed that this has been owing to any want of means on the part of the Spanish Government; for the naval force on this station is quite sufficient to meet any such call for its services, and is fully equal to what the British Government has ordinarily on these coasts. Of this naval force we enclose an account, from which your Lordship will see that it consists of one frigate of 44 guns, five corvettes or brigs of from 14 to 22 guns, and nine small schooners or cutters of sufficient strength to cruize against slavers. These vessels are well officered and well paid and provided in every respect, and from their inactivity, therefore, we can draw no other conclusion than that the officers well know they are abstaining agreeably to the wishes of their superiors, even if not according to positive instructions. These observations we are induced to make the rather because we do find occasional instances of slave-vessels being taken by Brazilian and even by Portuguese cruizers and authorities, and their conduct supported by the Brazilian and Portuguese Governments, while here every instance we have of the interference of Spanish vessels of war, or of the local authorities, has been in conniving at the escape of slave-vessels, even if not in giving them direct assistance and protection. We need refer only to the gross cases of the "*Magico*" in 1824, and the "*Matilde*" in 1837, in corroboration of our remarks.

We cannot, therefore, too strongly express our conviction, that from the officers of the Spanish Government we can hope for no assistance whatever in suppressing the Slave Trade, and that England must determine on taking it into her own hands, unless she be content to have made a useless sacrifice in all her past exertions, and retire baffled from such an inglorious contest. This we cannot believe now that the efforts of the slave-dealers have been so signally paralysed. On the contrary, we trust that even this partial success may lead to others still greater, and that more rigorous measures be resorted to with regard to the persons taken in pursuit of slave-dealings. We would therefore humbly recommend; 1st. That strict orders be given that no persons found on board slave-vessels be allowed to be put on shore, as at present, at the first convenient spot, but that they be detained in custody, and sent to their respective Governments for punishment. 2nd. That the haunts of the slave-dealers on the coast of Africa be subjected to visitation, and the persons found there engaged in Slave Trade may be also taken, and handed over to their respective Governments, as having been found guilty of an infraction of their laws. 3rd. That in case the local Government of this island still persevere in its present course of assisting the dealers, by direct connivance, or palpably false pretences of inquiry, when cases of Slave Trading are brought before their notice, then that your Lordship repeat and enforce the proposition contained in your Lordship's Despatch of the 26th of October, 1838, in these terms:—"You will communicate these papers to the Spanish Government; you

will point out to them that there can be no hope that the importation of slaves into Cuba will be suppressed, until an entire change is effected in the course at present taken for the examination of Slave Trade transactions; and you will propose that, as experience has proved that no Spanish authorities will conduct investigations of this nature faithfully and truly, power shall be given to the Mixed Court of Commission established at the Havana to call before it parties suspected of being engaged in the Slave Trade, and to subject them to the same course of examination, which ought to be carried on by the administrative officers of the Colonial Government, but which is wholly evaded and omitted by those officers." (Parliamentary Papers, 1839, Class B., p. 85.)

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

First Enclosure in No. 137.

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

No.	Date.	Nation.	Class.	Name of Vessel.	Destination.	Remarks.
1	Jan. 23	American	Schooner	Rebecca . . .	Gallinas . . .	Captured.
2	" 26	"	Brig . . .	Oriental . . .	Lagos . . .	Returned 24th October, and sailed 26th, for New Orleans.
3	" 28	Portuguese	"	Fortuna . . .	"	Returned July 19th. (See No. 40.)
4	Feb. 8	American	Schooner	William Bayard	Cape Verds.	
5	" 19	Spanish	"	Nostra Señora del Rosario.	"	
6	" 19	Portuguese	"	Montana . . .	San Pablo de Loanda	Returned October 5th.
7	" 19	American	Brig . . .	Morris Cooper . . .	Lagos . . .	" as "Casualidad."
8	" 21	"	Schooner	Perry Spencer . . .	Gallinas.	
9	March 6	"	Brig . . .	Wyoming . . .	Pitvasa . . .	Captured.
10	" 6	"	Schooner	Octavia . . .	Costa de Oro . . .	Returned September 2nd.
11	" 12	Portuguese	"	Josefina . . .	San Tomé . . .	" June 14th.
12	" 21	"	"	Constitucion . . .	"	Captured.
13	" 21	American	"	Joseph Wilding	Cape Verds . . .	Ditto.
14	April 12	Portuguese	Brig . . .	Matilde . . .	Prince's Island . . .	Ditto.
15	" 22	"	"	Elisa . . .	Rio Pongo . . .	Returned October 11th.
16	May 7	"	Schooner	Josefina . . .	Loanda.	
17	" 7	"	"	Victoria . . .	Cape Mesurado.	
18	" 7	"	Ship . . .	Amalia . . .	Madagascar . . .	Returned November 20th.
19	" 16	Oriental	Brig . . .	Primogenito . . .	San Pablo de Loanda	
20	" 16	Portuguese	Schooner	Liberal . . .	Loanda . . .	Captured.
21	" 29	Hamburg	Brig . . .	Margaret . . .	Isla del Principe.	
22	June 5	Portuguese	Ship . . .	Maria Segunda (a), Socorro.	Mozambique . . .	Returned December 6th.
23	" 5	"	Brig . . .	Ulises . . .	Loanda . . .	Captured as "Manso."
24	" 5	"	Schooner	Ligera . . .	Goa . . .	Captured.
25	" 17	"	Brig . . .	Duquesa de Braganza (a), Venus.	Lagos . . .	Returned.
26	" 17	American	Schooner	Hound . . .	Gallinas . . .	Returned to Puerto Rico.
27	" 17	"	Brig . . .	Mary . . .	Gallinas and Bonny . . .	" November 12th.
28	" 25	"	Schooner	Catherine . . .	Prince's Island . . .	Captured & carried to United States.
29	" 26	"	"	Elvira . . .	San Tomé . . .	Returned as Portuguese, "Porto Formoso."
30	July 1	Portuguese	"	Dos Amigos . . .	Isla del Principe . . .	Captured.
31	" 2	American	"	Butterfly . . .	Mozambique . . .	Captured & carried to United States.
32	" 5	Portuguese	Brig . . .	Triunfo de Loanda	Lagos.	
33	" 8	"	"	Felicidad . . .	Cape Verds . . .	Returned October 7th.
34	" 20	Spanish	"	Ensayador . . .	"	
35	" 26	Portuguese	Schooner	Victoria . . .	Rio Congo . . .	Captured.
36	" 27	"	"	Josefina . . .	San Tomé . . .	Ditto.
37	Aug. 1	American	Brig . . .	Douglas . . .	Bonny.	
38	" 2	Spanish	Schooner	Yberia . . .	San Tomé . . .	No. 32 of list of 1840.
39	" 5	Portuguese	"	Magdalena . . .	Gallinas . . .	Captured.
40	" 5	"	Brig . . .	Fortuna (a), Llobregat.	Lagos . . .	Ditto.
41	" 24	Spanish	Schooner	Numantina . . .	Cape Verds . . .	Returned.
42	Sept. 10	American	"	Lark . . .	Isla del Principe.	
43	" 10	Portuguese	"	Lavadeira . . .	San Tomé . . .	Captured.
44	" 19	Spanish	"	Mercedita . . .	Cape Lopez . . .	Ditto.
45	" 21	American	"	Hound . . .	Cape Mesurado and Gallinas.	
46	" 24	"	"	Cutter Campbell	Gallinas.	
47	Oct. 12	"	"	Nymph . . .	Rio Braza.	
48	" 23	"	Ship . . .	John . . .	Gold Coast.	
49	" 23	Spanish	Brig . . .	Joven Emeline . . .	"	
50	Nov. 5	Portuguese	Schooner	Astrea . . .	San Pablo de Loanda.	
51	" 13	Spanish	Pailebot	Margarita . . .	Gallinas.	
52	" 14	American	Schooner	Asp . . .	Rio Braza.	
53	" 19	Portuguese	"	Elvira . . .	Cape Verds.	
54	Dec. 11	American	"	Hannah . . .	Isla del Principe.	
55	" 15	Spanish	"	Montaña . . .	Cape Verds.	
56	" 16	American	"	Centipede . . .	San Tomé.	
57	" 22	Portuguese	Brig . . .	Dos Hermanos . . .	"	
58	" 23	American	Schooner	Hyperion . . .	"	
59	" 25	Portuguese	"	Veloz . . .	Santiago de Praya.	

Second Enclosure in No. 137.

List of Vessels that have sailed from Havana for the Coast of Africa during the Year 1840.

No.	Date.	Nation.	Class.	Name of Vessel.	Destination.	Remarks.
1	Jan. 13	Portuguese	Schooner	Adelaide	Isla del Principe.	
2	" 18	Spanish	"	Concepcion	San Pablo de Loanda.	
3	" 21	Portuguese	Brig .	Diligente	Lagos.	
4	" 25	"	Schooner	Formosa	Gallinas.	
5	" 31	"	Pailebot .	Constituição	Cape Verds.	
6	Feb. 22	American .	Schooner	Hudson	Loanda.	
7	" 15	Portuguese	"	Olimpia	San Tomé.	
8	March 6	American .	"	Audubon	Gold Coast.	
9	" 20	Spanish .	"	Numantina	San Pablo de Loanda	See No. 41.
10	" 23	American .	Brig .	Theophilus Chase	Gallinas	Returned in ballast.
11	" 24	Portuguese	Schooner	Josefina	Santiago de Praya.	
12	" 26	"	Brig .	Importador	Goa.	
13	" 27	Spanish	Schooner	Segunda Rosario	Cape Verds.	
14	" 28	Portuguese	"	Paz	Bonny.	
15	April 1, sailed in May.	"	Ship .	Gloria	Mozambique.	
16	" 14	"	Schooner	San Pablo de Loanda	Gallinas.	
17	" 28	"	Brig .	Trovao	Lagos.	
18	" 29	"	Schooner	Bacua Union	Cape Verds.	
19	May 2	American .	Brig .	Plant	Lagos.	
20	" 2	"	Schooner	Lone	San Pablo de Loanda.	
21	" 4 sailed 11	Portuguese	Ship .	Maria Segunda	Mozambique.	
22	" 6	Spanish	Brig .	Marinero	Bonny.	
23	" 11	Portuguese	Schooner	Pombinha	Gallinas.	
24	" 11	American .	"	Seminole	Ditto.	
25	" 12	"	Brig .	Alexander	Ditto.	
26	" 27	"	Schooner	Kite	San Pablo de Loanda.	
27	June 2	Spanish .	Brig .	Segunda Vigilante	Manilla.	
28	" 6	Portuguese	"	Escorpion	Gallinas.	
29	" 6	"	"	Tres de Agosto	Lagos.	
30	" 17	"	Ship .	Duquesa de Braganza (formerly the Venus).	Goa.	
31	" 24	"	Schooner	Astrea	San Pablo de Loanda.	
32	July 3	Spanish .	Brig .	Yberia	San Tomé	Run on shore by the Pickle, near Havana, & wrecked.
33	" 14	Portuguese	Ship .	Amalia, otherwise the Caballo Marin.	Madagascar.	
34	" 21	"	Schooner	Name unknown	Cape Verds.	
35	" 29	"	"	Josefina	San Pablo de Loanda.	
36	Aug. 29	"	"	Name unknown	"	
37	" 29	"	"	"	"	
38	Sept. 15	"	Brig .	Felicidad	Lagos.	
39	" 15	"	"	Name unknown	"	
40	" 15	"	Schooner	"	"	
41	" 25	Spanish .	"	Numantina	San Pablo de Loanda.	
42	Oct. 8	American .	Brig .	A. E. . . .	Ditto.	
43	" 8	Spanish .	Schooner	Reglano	Cape Verds.	
44	" 13	Portuguese	Brigantine	Escorpion	Monte Video.	
45	" 17	"	Schooner	Pax	Rio Brazo.	
46	" 20	"	"	Salazar	Loanda.	
47	" 22	"	Brig .	3 de Fevereiro	Lagos.	
48	" 22	French .	"	Alcyon	Goree.	
49	" 24	Spanish .	"	Octavia	Loanda.	
50	Nov. 3	Portuguese	Brigantine	Josefina	Monte Video.	
51	Dec. 11	"	Schooner	Porto	Cape Verds.	
52	" 19	Spanish .	Brigantine	San Pedro	San Pablo de Loanda.	
53	" 24	"	Schooner	Matanzera	Cape Verds.	
54	" 31	"	Brigantine	Segunda Vigilante	Ditto.	

Portuguese	32
Spanish	12
American	9
French	1

Third Enclosure in No. 137.

List of Vessels that have arrived at Havana from the Coast of Africa during the Year 1840.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	Jan. 13	Spanish .	Brig .	Augusto . . .	— Veiga . .	Brought no negroes, having been chartered to bring from Sierra Leone the crews of captured vessels.
2	„ 22	Portuguese	„	Duquesa de Braganza (α), Venus.	A. Moreno.	
3	„ 24	Spanish .	Schooner	Numantina . .	— Perez.	
4	„ 30	„	„	Rosario . . .	— Peyrano . .	Brought no negroes, having been chartered to bring from Sierra Leone the crews of captured vessels.
5	Feb. 7	Portuguese	„	Name unknown .	..	Landed 320 negroes.
6	„ 26	Spanish .	Brig .	Iberia	— Rodriguez .	Believed to have landed a cargo of negroes at Puerto Rico.
7	March 6	Portuguese	„	Formerly the Jacinto	..	Landed 480 negroes at Mariel.
8	„ 8	„	Schooner	Pombinha . . .	— Spencer . .	Landed a cargo of negroes at Matanzas.
9	„ 17	„	„	Name unknown .	..	
10	„ 18	„	„	„	..	
11	„ 25	„	Brig .	Tres de Fevereiro, formerly La Union.	..	Landed 454 negroes from the Gold Coast.
12	April 8	„	Schooner	Name unknown .	..	Landed 300 negroes at Canasi.
13	„ 17	„	Brig .	„	..	Landed 417 negroes at the Isle of Pines.
14	„ 26	„	Schooner	„	..	Landed 224 negroes.
15	May 14	„	Brigantine	„	..	Landed 450 negroes at Canasi.
16	„ 24	„	Brig .	Aguila . . . .	..	Landed 620 negroes at the Chorrera.
17	June 2	Spanish .	Schooner	Constancia . .	— Penasco . .	Reported to have landed slaves at Porto Rico.
18	„ 10	„	„	Feliza	— Sanchez . .	Ditto.
19	„ 12	American .	Brig .	Caballero . . .	— Huffington .	From Corisco, in ballast.
20	„ 13	„	„	Hudson	— Clift . . .	From Cabinda, in ballast.
21	„ 17	Portuguese	Schooner	Name unknown.	..	
22	„ 24	American .	Ship .	Crawford . . .	— Brown . . .	From Gallinas, in ballast.
23	July 22	Portuguese	Brig .	Trueno . . . .	..	Landed 450 negroes at the Chorrera.
24	Aug. 13	American .	„	Theophilus Chase	— Coffin . . .	From Gallinas, in ballast.
25	„ 23	Portuguese	„	San Francisco .	..	Both these vessels belonged to Forçade. One is said to have landed 340, and the other 180 negroes.
26	„ 23	„	„	Name unknown .	..	
27	Sept.	„	Schooner.	„	..	
28	„ 22	American .	Brig .	Dido	— Stran . . .	Returned in ballast.
29	„ 24	Portuguese	„	Union . . . . .	..	Landed about 500 negroes.
30	„ 25	„	Schooner	Name unknown.	..	
31	„ 26	„	Brig .	Volador.	..	
32	Nov. 2	„	„	Name unknown .	..	Landed 427 negroes.
33	„ 6	„	Schooner.	„	..	
34	„ 15	„	Brig .	Vigilante . . .	..	Landed 560 negroes.
35	„ 15	Spanish .	„	Aguila . . . .	..	Returned empty, her port of destination in Africa being blockaded.
36	„ 15	Portuguese	Schooner	Name unknown .	..	Landed about 240 negroes.
37	„ 23	„	„	„	..	Landed upwards of 230 negroes at Mariel.
38	„ 23	„	Pailebot	„	..	Landed 286 negroes, consigned to Forçade.
39	„ 30	„	Brig .	Gabriel . . . .	..	Landed upwards of 400 negroes.
40	Dec.	„	Schooner.	„	..	
41	„ 24	„	Brig .	Jacinto . . . .	..	Landed 377 negroes.

Fourth Enclosure in No. 137.

Extract from the "Diario de la Havana."

(Translation.)

Porto Principe, 15th December.

At Nuevitas has just arrived the expedition of Catalonian husbandmen to Messrs. Estorch and Co.; a speculation, we hesitate not to pronounce, the most honourable, useful, and beneficent that has been undertaken in this island of late: more than 90 young men of the principality of Catalonia have brought their industry to the centre of Cuba; and although we Camaqueyanos (inhabitants of the province of Camaquey) cannot boast of being the first to set this example of Christian civilization and high political prescience, we may boast that it is among us that the theories of colonization are about to be put in practice upon the best basis. Honour to Messrs. Estorch and Co., Directors of the Calasancio College in this city, for the first agricultural essay of white labourers! And while we are doing justice to those who merit it, honour is also due to the parent, who, at his own cost, and for the education of his children, brought to Principe the said Directors of the Calasancio College! The next generation will pronounce blessings on their names.

We are desirous of giving the public an idea of the general and most interesting basis of this contract, with which we shall in part satisfy the writer F. M. In his own language, we might ask, what do those Catalonians come in search of who devote themselves to commerce? for we cannot discover any reason why they should prosper, and prosper also the country; and not so those who come to devote themselves to agriculture. On the contrary, we believe the latter bring with them better elements than the others. Young people intended for commerce generally arrive without

capital or mercantile knowledge; they obtain an engagement; are some time without salary: notwithstanding which in a few years they become men of capital, information, and respectability; are introduced into our society, united to our families—in which they are cordially received as laborious, honourable, and among the best people in Europe.

The most estimable element introduced by the Catalonian husbandmen is morality. There is not even one among them whose conduct is not vouched for by certificates from the parish priests and authorities of the Peninsula (Art. 16 of the Contract). There are no low characters nor adventurers, but all youths taken from a life of virtue and country labour, in which the most estimable qualities are reared. These young men have been selected by a respectable individual, who went himself to fetch them; as if the soul of the pious Las Casas had re-animated the Christian of the nineteenth century to repair the errors of a mistaken philanthropy of the fifteenth. The material element is equally good. The whole are young men of from 18 to 30 years, accustomed to field labour, robust and single. We are also informed that, besides these, there have come some masons and sugar-refiners of great merit, who will be of considerable service in the country.

With these elements we may well congratulate ourselves; and affirm, without fear of contradiction, that the contract of Messrs. Estorch and Co. may serve as a model, and that the project is of the greatest utility for the country, for the speculators, and colonists.

The colonists intended for the sugar estate of Estorch and Co. amount to about 60; more than 90 have arrived, of whom the surplus were to be employed on the railroad. But it seems they all prefer husbandry, in which respect their wishes will be fully complied with.

The directors of the sugar estate purpose dividing their labourers into gangs of 10 men, each gang to have 4 caballerias of land—1 cleared for tillage, and 3 of forest: to each gang will be given 2 milch cows, 4 yoke of oxen, 6 breeding sows, 50 fowls, and all necessary tools for labour.

The labourers will be fed as follows:—For breakfast, 4 ounces of meat each, with greens and vegetables; for dinner, 6 ounces of meat, good soup, greens and vegetables in abundance; for supper, coffee, and some trifle, such as roasted plantains, &c.

The Company will furnish each colonist every year with 4 suits of clothes, 4 pairs of shoes, 2 straw hats, and a cot and bedding.

The labourers will work from daydawn till nightfall, allowing them half an hour for breakfast, and an hour for dinner and repose. In the grinding-season they will sleep 6 hours; and in the heat of summer three hours of the day may be exchanged for three of the night.

They will receive in remuneration for their labour—besides food, clothing, medical attendance, &c.—the third part of the produce of the estate, after deducting the general expenses, guaranteeing to each individual a minimum of 100 dollars. The Company will retain one-half thereof, paying for it the legal interest until the completion of the contract, which is for 6 years, at the end of which they can go wheresoever they please.

The Company will, moreover, award to the gang which shall work best a premium of 500 dollars. To whoever shall wish to remain on the estate after the 6 years a gratuity of 50 dollars will be given. To whoever may wish to establish himself on his own account will be made good the proportion pertaining to him of the profits of the estate. These are the principal articles of the contract: we omit the rest, because we do not consider them necessary to our purpose, nor for the knowledge of the public.

We should like Mr. F. M. to make objections to the project or to the contract, or to suggest others more useful, or more eminently political or Christian. We have taken up the pen in order to direct all the attention of the public and of the Government (under whose protection and knowledge this expedition has come from Catalonia) to the undertaking of Messrs. Estorch and Co.; because we consider it the most useful of the kind ever projected in the island since the first rose embellished our fields.

It is strange, indeed, that our friend F. M. should want to know the amount of the produce of the sugar estate of Estorch and Co. before the employment of the hands which are to yield it. This is something like the pretension of those who want to know what will be the profits of the railroad before having one. It would be much the same as to calculate how many children would result from the marriage of two young persons in health and vigour. Even so, with a fertile soil like Cuba, and industrious and intelligent hands to work it, just consider whether it will yield or not. Friend F. M. ought to have reflected that the Catalonian labourers were introduced to make this estate productive, and not to share what it actually produces. What might be reasonably exacted would be a calculation founded on ordinary probabilities or established bases, viz.: that the soil of this estate being of that kind which yields 4000 dollars per caballeria of cane well cultivated; that, taking the wages at 100 dollars a-year, the maintenance at 1½ rials per day, and supposing ten men to be sufficient to cultivate a caballeria of land (and I conceive it may be done with fewer free persons), we shall find the maximum cost of each labourer to be 200 dollars, and the ten to be 2000; which will leave the proprietors of the capital as much more for each caballeria in produce, which is no trifle.

We can easily foresee that undertakings of this description will have many obstacles to encounter; but if endeavours are not made to overcome these obstacles, there is an end of the matter: a beginning must be made; and one trial will not suffice, nor two, nor perhaps ten. Difficulties are increased if Messrs. Estorch and Co. do not meet with co-operation on the part of the public and those who ought to feel an interest in its favourable result, and, on the contrary, are only met by persons who discourage and censure them, corrupt their labourers, recall prejudices of the last three centuries, and, what is still worse, introduce radical bad habits, and the worst of individual interests, which only look to the present, without a thought for one hour beyond.

Infinite Wisdom has assigned limits for everything, itself alone being unlimited: the avarice of mankind must also have bounds. The old Spanish proverb of "Avarice rends the sack," is nothing more than a moral truth which must inevitably be realized like all others. Men cannot with impunity break through the eternal and immutable laws which govern the world both physical and moral. We must either submit to these laws, or succumb to the penalties attached to their violation. The limits assigned by nature to physical force cannot be surpassed; by attempting to surpass it you annihilate and destroy it, to your own prejudice. The labour of the free man in the island of Cuba will yield him, besides, a maintenance, sufficient to create a family, and to lay up a capital of consideration. Labour, and teach your children to labour; live frugally in the bosom of a well-conducted and economical family, and you will become rich, very rich: for labour

and virtue are under the protection of the Almighty, who blessed them. Nothing, nobody can ruin us but vice, and whatsoever is vicious: injustice and immorality are the only enemies of the unjust and immoral; they lead themselves on to ruin. In vain would they avoid the penalty; in vain apply palliatives to their evils; in vain would they try expedient on expedient. 'Tis like trying to prop up a falling wall: the only remedy is to raise it again, and not to trust to the props. Enough of parables for the present.

Fifth Enclosure in No. 137.

Naval Force of Cuba.

HAVANA STATION.		
Frigate Isabel Segunda	. . . . .	44 guns.
Corvette Liberal	. . . . .	22 ,,
Brig Jason	. . . . .	22 ,,
,, Cubano	. . . . .	16 ,,
,, Laborde	. . . . .	14 ,,
,, Marte	. . . . .	14 ,,
Schooner Infanta	. . . . .	3 ,,
		— 135
Receiving-ship Teresa		
STATION OF SANTIAGO DE CUBA.		
Schooner Cristina	. . . . .	3 guns.
,, Criolla	. . . . .	3 ,,
,, Isabel Segunda	. . . . .	3 ,,
Cutter Teresita	. . . . .	1
		— 10
STATION OF TRINIDAD DE CUBA.		
Schooner Ligera	. . . . .	2 guns.
,, Clarita	. . . . .	1 ,,
,, Habanera	. . . . .	1 ,,
Cutter Donacion	. . . . .	1 ,,
		— 5
Total in guns	. . . . .	150

No. 138.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 20, 1841.

(Received March 19.)

MY LORD,

WE have the honour to report to your Lordship, that on the 29th of December last Her Majesty's sloop "Ringdove," Commander the Honourable Keith Stewart, detained, in latitude 17° 56' north, longitude 64° 55' west, the Spanish slave schooner "Jesus Maria," otherwise the "Three Sisters," having on board 252 negroes. This vessel was brought into this port late on Saturday evening, the 9th instant; and from the papers Her Majesty's Commissary Judge finding that it was of only 25 Spanish tons measurement, or about 35 British, and that the negroes (with the exception of four, all children) were exceedingly crowded and diseased, so as to render immediate removal absolutely necessary, came to the conclusion that they should be at once placed on board the "Romney." For this purpose, with the concurrence of his colleague, he waited personally the following morning early on the Captain-General of the island, and on the Spanish Judge, the Conde de Fernandina, in order that no formalities might be interposed in effecting this object. Having obtained their assent, which was given with a readiness which calls for our due acknowledgments, the negroes were the same afternoon (Sunday), without any loss of time, all put on board the "Romney," excepting one girl, who was already suffering from an attack of small pox. Twelve of those found on board had previously died, and several others were in a state to leave no hope of recovery, from the unusually miserable confinement and fare allotted them.

The vessel was sent under the charge of Lieutenant Tarleton, who in bringing it had a very arduous duty to perform; and he being desirous of returning to the "Ringdove" by Her Majesty's ship "Comus," then proceeding hence

to Jamaica, rather than wait here inactively any time, the Conde de Fernandina appointed Tuesday the 12th instant for the adjudication.

On that day, accordingly, and on the following, the Court met, and the papers proving the vessel to be Spanish property, and sailing under Spanish colours, a sentence was agreed to, and signed on the 13th, declaring the detention lawful, and ordering the vessel to be broken up, and the negroes to be liberated and delivered over according to the Treaty.

The same day, the 13th, Her Majesty's Commissary Judge duly informed the Superintendent of Liberated Africans of this circumstance, who accordingly took charge of them in the fulfilment of his duties.

The history of this vessel affords a strong illustration of the desperate condition to which the Slave Trade has been reduced. The "*Jesus Maria*" was in fact a small coaster, sailing from the Canary Islands to the different settlements on the coast of Africa, with, principally, potatoes and onions. She was totally unprovided with any sort of accommodation for a slave cargo, but the captain, Vicente Morales, who was also the owner, having found there a number of Africans on the coast ready to be shipped, and no vessel to carry them away, changed the purpose of his voyage, and took them on board. He first proposed to take them to Trinidad de Cuba, but finding his provisions and water fail him, he was making for Ponce, in the Island of Porto Rico, when detained by the "Ringdove." On the "*Jesus Maria*" entering the harbour this Vicente Morales jumped overboard and swam to shore, Lieutenant Tarleton having no means of preventing his escape, as he had no boat on board. Indeed the vessel was so badly provided as to have neither anchor, nor spare ropes nor sails, and was so old and leaky that had they met with but slightly bad weather they must have foundered; and yet they took on board 278 unfortunate victims of the trade, besides having 9 persons calling themselves passengers, and 10 others, the crew. Of the escape of Vicente Morales Her Majesty's Judge, who went accompanied by Mr. Jackson, informed the Captain-General at the interview on Sunday the 10th, for the purpose of insuring his recapture. But whatever orders actually were given it was impossible to hope for success after the man had succeeded in obtaining a footing among the boatmen and shipping, even if the subordinate authorities here had been imbued with as much inclination to seek out and punish such an offender as they are unfortunately the reverse. It is the more a subject of regret, as, from complaints made by the negroes, it appears his conduct had been characterised by all that grossness and cruelty, we fear, always to be expected under such circumstances. The witnesses before the Court pretended to know nothing of such conduct, and one even boldly asserted the reverse, but their testimony in such a case was not to be relied on; and it would have been very desirable to obtain a case for punishment, if possible, as a warning to others.

For further particulars we beg to refer to the Enclosures, consisting of the captor's declaration, the abstract of the evidence, and the sentence of the Court. We enclose also a private letter from Captain Stewart, showing the necessity of the step, which we trust will be considered warranted, in having the negroes put at once on board the "Romney," where there was sufficient space, as well as numerous wards for the several cases requiring particular care. The woman attacked with small pox was the only one left on board the schooner, where with proper care she remained till convalescent.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

First Enclosure in No. 138.

Captor's Declaration in the case of the "Jesus Maria."

I, KEITH STEWART, commander of Her Britannic Majesty's sloop, "Ringdove," hereby declare that on this 29th day of December, 1840, being in or about latitude 17° 56' N., longitude 64° 55' W., the north-west end of Santa Cruz bearing S. $\frac{1}{2}$ W. 12 miles, I detained the ship or vessel named the "*Jesus Maria*," sailing under Spanish colours, armed with 2 muskets and 4 swords, commanded by Don Vicente Morales, who declared her to be bound from the river Sebros, on the coast of Africa, to Ponce, Porto Rico, with a crew consisting of 10 men, and 9 passengers, whose names,

as declared by them respectively, are in a list at foot hereof, and having on board 252 slaves, said to have been taken on board at the river Sebro, on the coast of Africa, on the 8th day of October, 1840, and are enumerated as follows :—

	Healthy.	Sickly.
Women	4	0
Boys	140	8
Girls	86	14

(Here follow the names of the passengers.)

I do further declare that the said ship or vessel appears to be seaworthy, and is now supplied with a sufficient stock of water and provisions for the support of the said negroes and part crew on their destined voyage to the Havana.

I do further declare that the following stores are left on board the said ship or vessel :—

- 1 set of bending sails,
- 1 spare sail to repair others,
- 40 water-casks, large and small,
- 40 fathoms $2\frac{1}{2}$ -inch rope ;

and that the vessel is fit to pursue her destined voyage.

Given under my hand, on board Her Britannic Majesty's sloop "Ringdove," at sea, this 29th day of December, 1840.

(Signed) KEITH STEWART, Commander.

Witnesses—J. W. TARLETON, Lieutenant.

JOHN SHEPHERD, Master.

J. WATSON, Surgeon.

Second Enclosure in No. 138.

Abstract of the Evidence in the case of the "Jesus Maria."

Lieutenant John Walter Tarleton, of Her Britannic Majesty's sloop "Ringdove," and prize-master of the Spanish brigantine "Jesus Maria," being duly sworn, deposed to the truth of the captor's declaration, and to the signature at foot thereof, as well as to the other signatures of the witnesses, namely, the deponent's own, and those of Mr. John Shepherd and Mr. J. Watson. That he, deponent, and the other witnesses were all present when the captain signed his declaration, they being the mate of the said capturing vessel and the surgeon. That the "Ringdove" has not come to this port. That in one particular the captor's declaration is incorrect, viz., where it states that the negroes were taken on board on the coast of Africa, on the 8th of October last, as it appears by the papers of the captured vessel that they were embarked on the 6th of November. That the commander of the "Ringdove" is furnished with the papers authorizing him to detain slave-vessels. That at the time of capture there were 252 negroes of both sexes on board, of whom 12 have since died. That there were 12 papers found on board the "Jesus Maria," 3 of which being useless, the other 9 were ordered to be filed with the proceedings, and are as follows :—A certificate of the notary of the marine department, in the province of the Canaries, Don José Oliver y Fernandez, given in the city of Santa Cruz de Tenerife, on the 4th of June of last year, relative to the security given on the same day by Don Lorenzo Ruiz, master of the said brigantine schooner "Jesus Maria," alias "Tres Hermanas," that the register and other documents for navigating the vessel should be made a proper use of; the sailing passport, the bill of health, 3 bills of lading, the contrasena, the log-book, and another paper without a signature, for noting the deaths among the cargo, according to their dates. That finding the provisions very bad he was under the necessity of purchasing those contained in the account he now hands into court, and which the judges directed to be filed.

James Bligh, boatswain of Her Britannic Majesty's sloop "Ringdove," being sworn, deposed, that he came to this port in the Spanish brigantine-schooner "Jesus Maria," captured by Her Britannic Majesty's sloop "Ringdove," with a cargo of slaves on board, and that on entering the harbour he saw the Spanish captain overboard, without being able to prevent it, owing to the suddenness with which he did it, and that he does not know what became of him, or what induced the act.

José Faïma, 25 years of age, a native of the Canary Islands, a married man, and boatswain of the brigantine-schooner "Jesus Maria," being sworn, deposed that the aforesaid vessel was sent to this port by an English brig of war, whose name he does not know, on account of finding Bozal negroes on board. That he cannot remember the day on which she was captured, nor in what latitude, nor what number of slaves were on board, as it was none of his business to attend to these matters. That they were taken on board on the coast of Africa, at a place called Sebro, and he recollects that some of them died on the passage, before the capture, and some afterwards, but not how many. That he embarked at the port of La Gran Canaria, but, as he believes, not for the coast of Africa, but for Sierra Leone, to dispose of potatoes and onions, of which the cargo was composed. That on sailing from the Canary Island, the then captain, Don Lorenzo Ruiz, was provided with papers for lawful commerce, as explained by deponent; but the said captain dying on their return from Sierra Leone, and there being no other navigator on board but the owner of the vessel and cargo, Don Vicente Morales, he assumed the command, and carried into effect the plan which was objected to by Ruiz, of engaging in the Slave Trade, deponent being unable to leave the vessel, in which he was therefore compelled to remain, in order to get back to his country. That on entering this port the captain, Vicente Morales, made his escape by jumping overboard. That he saw Morales deliver up to the English commander the papers belonging to the vessel, but knows not what papers they consisted of, nor can he recollect if the papers now shown him are the same, as he took no notice of them at the time, nor did he notice whether the English officer gave a receipt for them. That there remains nothing on board of the outward-bound cargo, nor of what they took on board at Sebro, or at other places where they touched, nor any arms, excepting a gun used by the captain to shoot with.

José Luz, 18 years of age, a native of Lanzarote, in the Canary Islands, a bachelor, and by profession a mariner, being next sworn, deposed that the brigantine schooner "Jesus Maria," to which

he belonged, was detained and sent to this port by an English brig of war, whose name he does not know, nor does he recollect on what day, between Santa Cruz and St. Thomas's; for having found Bozal negroes on board. That he does not recollect the number of negroes on board at the time of capture, nor how many were taken board at the river Sebro or Guibara, but he understands from others that several died both before and after the capture. That he entered on board in the port of the island of La Gran Canaria, on what day he does not remember; that he was engaged as seaman by the first captain, Don Lorenzo Ruiz, who afterwards died. That the cargo consisted of potatoes and onions, and was destined, as he understood, for Sierra Leone. That, in fact, they arrived at the said place, and landed their cargo. That some days after the captain died, and that Don Vicente Morales, who took his place, being owner of the vessel and cargo, determined to obtain negroes from the place before-mentioned, without any other authority than what he derived from the said ownership. That no part of the cargo taken at the Canaries or the other places at which they touched remains on board.

Don Manuel Porches, aged 65, a native of Lima, a bachelor, and by profession cook, being sworn, deposed, that the brigantine schooner "*Jesus Maria*" was detained and sent to this port by an English brig of war, whose name he knows not, nor recollects on what day, nor in what latitude, though he heard it was near Santa Cruz, on account of there being found on board a number of African blacks. That he absolutely knows nothing of the number of negroes on board at the time of capture, nor how many were at first received on board. That he entered on board the brigantine schooner in the river Sebro, as passenger, having been taken prisoner and left there, but that afterwards, there being no cook, the one on board being incapacitated by several attacks of illness, he undertook his place with the consent of the captain, whom he had not known until then, knowing only that he was called Don Vicente, but not his surname; that, as well as he can recollect, they left Sebro in November last, understanding they were to go to some port of the Antilles with the negroes they had on board. That the negroes were well treated and sufficiently fed, and that the vessel had nothing on board but what was necessary for their common sustenance.

Third Enclosure in No. 138.

(Translation.)

Sentence in the case of the "Jesus Maria."

IN the always most faithful city of Havana, on the 3rd day of January, 1841, his Excellency Don José Maria de Herrera y Herrera, Conde de Fernandina, Honorary Grandee of Spain of the first class, &c., &c., and James Kennedy, Esq., the Spanish and British Judges in the Mixed Court, having examined the proceedings consequent upon the detention made by the English brig of war "*Ringdove*," Commander the Hon. Keith Stewart, of the Spanish merchant brigantine schooner "*Jesus Maria*," alias "*Las Tres Hermanas*," Don Vicente Morales master, in latitude 17° 56' N., longitude 64° 55' W., the north-west end of Santa Cruz, bearing S. $\frac{1}{2}$ W., 12 miles, with a cargo of 252 slaves on board at the time of detention, she having sailed in November of last year from the Great Canary Island, under the command of the then captain, Don Lorenzo Ruiz, who, however, ceased to hold command, his object being to engage in the lawful traffic of potatoes and onions, to which Morales was opposed, and on leaving Sierra Leone he died, the before-mentioned Morales assuming the command, but escaping in this port on the captured schooner entering it, and who, as soon as he found himself invested with the post of captain and supercargo, obliged the crew to make for the river Sebro, on the coast of Africa, where he took on board the above-mentioned slaves, with whom he steered for the Island of Puerto Rico. And the above being fully proved by the declaration of the witnesses examined, by the Spanish papers found on board at the time of capture, as also by the declaration of the commander of the capturing vessel, the Judges agreed that they ought to declare, and hereby do declare, with all due regard to the merits of the case, and according to the usual summary mode of proceeding in all such cases on the truth being made manifest, the said Spanish merchant schooner "*Jesus Maria*" to be a good and lawful prize, as well as everything found on board, including the 252 Bozal negroes, the vessel being subject to confiscation, together with her tackle, apparel, and whatever else be found in her inventory, excepting the before-mentioned negroes, or such as remain alive, who are hereby declared to be free from all slavery and captivity. It is, therefore, ordered that the condemned vessel and all that belongs to her be valued by the principal masters of the Royal Arsenal, who shall be sworn to perform the duty faithfully; that she be then broken to pieces, and the fragments sold at public auction before the notary public Don Manuel Fornari; in the mean time that she be deposited with Don Juan Snitas, who shall receive her from the captor, according to formal inventory, in order that being announced to the public as for breaking up, the most reasonable offer be admitted, and that the proceeds be applied to the benefit of the two governments. The secretary will proceed to deliver to the above-mentioned slaves the certificates of their emancipation, according to custom, and will prepare an official letter with a certified copy of this sentence for his Excellency the Prince of Anglona, President, Governor, and Captain-General, for his Excellency's information, and because the detained individuals of the crew of the said brigantine schooner "*Jesus Maria*" remain at his Excellency's disposal. And by this their sentence definitively judging, thus the Judges provided, ordered, and signed, in the presence of their secretary who certifies.

(Signed)

EL CONDE DE FERNANDINA.
J. KENNEDY.

(Signed)

JOZE ANTONIO VALDES, *Secretary*.

Fourth Enclosure in No. 138.

Commander Stewart to Mr. Kennedy.

H. M. S. "*Ringdove*," at Sea off east end of
St. Domingo, January 1, 1841.

DEAR SIR,

THE prize I have the satisfaction to send in being a very small vessel, the negroes are dreadfully crowded; several of them are in a very emaciated condition, and it is of infinite importance they

should be removed out of the vessel without a moment's loss of time. If they are detained on board to await her condemnation, more wretched victims will be added to the list of those already dead. When I fell in with her she was short of water, which I believe is one of the causes of so many deaths. I therefore took her to an anchorage off the west end of Santa Cruz, supplied her with water, provisions, and a few things for the sick children. The negroes, with the exception of four women, are all children, their average from 10 to 15. The vessel being a slow sailer, I have towed her as far as Cape François, from whence she is certain to carry a fair wind and smooth water to Havana. I regret my orders will not permit me to take her there myself. She is the most miserable craft I ever saw in the shape of a slaver, is not above 35 tons, has no boat, anchor, cable, spare sails, stores, not even a few planks for the negroes to lay upon. I have sent her in charge of Lieutenant Tarleton, whom you will find an intelligent officer. The first week in February I am to meet the Admiral at Barbadoes, when I think and hope he may send me to Havana for the prize crew, till when believe me, &c.

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

(Signed) KEITH STEWART.

(Extract.)

No. 139.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 22, 1841.

(Received March 19.)

AN African emancipado named Gabino, it appears, was brought here previous to the year 1828, as his certificate of baptism is dated in January of that year, and states him to have been one of a number found on board a vessel detained by His Britannic Majesty's cruiser "Speedwell." Since that time it is said he has been continued by the local government at renewed lettings out, if we may use the expression, in the service of the same family. Still he is in reality in a state of slavery, condemned to labour as a water-carrier for others, and carrying his wages of one dollar, as it is said, per day, to his master.

No. 140.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 22, 1841.

(Received March 19.)

MY LORD,

DURING the last month the following vessels were despatched hence, suspected of being intended for Slave Trade, viz. :—

11th Dec.	Portuguese schooner	"Porto,"	for Cape Verds.
19th	„	Spanish brigantine	"San Pedro," for San Paolo de Loanda.
24th	„	„ schooner	"Matanzera," for Cape Verds.
31st	„	„ brigantine	"Segundo Vigilante," Do.

During the month we know that two vessels arrived here under the Portuguese flag, but have learned particulars of one only, the "Jacinto," which about the 24th landed on the coast a cargo of 377 negroes. This vessel has been long in the trade, and may be found frequently mentioned in the Commissioners' lists, reported from this place.

From the first return it would appear that the Spanish flag is again to be employed in the illicit traffic, though it is probable the vessels may be also supplied with other papers for the voyage home. The desperate condition to which the trade has been reduced will appear manifest from the inferior vessels now employed in it, as in the case of the "Jesus Maria," which is the subject of our preceding Despatch, and also of another vessel of a similar character, detained by Her Majesty's ship "Cleopatra," about the same time, and sent to Jamaica. In this vessel, whose name we could not learn, we understand there was a lamentable mortality, in consequence of its condition, and no fewer than 150 cases of smallpox.

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 Commissioners to Viscount Palmerston.**Havana, February 12, 1841.**(Received March 19.)*

MY LORD,

IN our Despatch of the 7th of November, 1840, we had the honour to report the details of a correspondence we had had with the Captain-General, respecting an outrage committed by a Spanish countryman on the person of one of the black soldiers serving on board Her Majesty's ship "Romney." We added also our grounds of complaint against the Juez Pedaneo, or Police-Captain of the District, who, we considered, had been acting unjustly, in making the wounded and unoffending man a prisoner, and allowing the person who had inflicted the wound to go at large. We considered that the conduct of this functionary all throughout was such as to induce a reasonable suspicion that he was a party concerned in attempting to get up a charge of misconduct against the soldiers.

On these grounds we had asked for an inquiry from the Captain-General, and received from him an answer founded entirely upon the *ex parte* statements of this same Juez Pedaneo, putting aside altogether the question at issue of a gross and wanton outrage on one of the soldiers, and alleging that the soldiers generally had been wandering out of their limits and committing various excesses, which were undefined. With this statement the Captain-General seemed so satisfied, that he concluded by stating that he should report the matter home to his Government, which was to be understood as a determination on his part to take no further steps here respecting it.

As, however, his legal adviser, in making his report, had used some expressions which we considered unbecoming, especially one, recommending his Excellency to send to Spain an account of the matter, "to meet the exaggerated demands (*reclamaciones*) which were to be expected would be made," we thought it right to return an answer at large, containing the substance of the Despatch which we proposed to send to your Lordship. This we did accordingly, assuring his Excellency that as he might judge from it that no exaggerated representations would be forwarded to your Lordship, so no exaggerated demands in consequence of them could be made on the Spanish Government. At the same time we pointed out the impropriety of the course pursued in the pretended investigation, in leaving it to the report of the Juez Pedaneo, who, we considered, was deeply implicated in the whole transaction.

Here, then, we thought the matter was closed, and so far, therefore, our Despatch above referred to of the 7th of November, 1840, detailed. On the 12th of November, however, we received another letter from the Captain-General, containing another report from his legal adviser in answer to our remarks, but recommending finally that another investigation should be instituted. This recommendation was couched in terms which convinced us that we had no good result to expect from a further investigation, though as we had no right to reject what might be a just inclination, we unhesitatingly accepted it upon their own terms. In our answer of the 17th of November, accordingly, we returned our thanks to his Excellency, who had named for the inquiry Don Manuel Perez Alderete, the Adjutant of the Plaza, and suggested our ideas of the mode in which the inquiry should be conducted. These suggestions, however, were not adopted, and how it was otherwise carried on we had no opportunity of judging. The British witnesses we know were examined, according to a list we had sent in, but what other witnesses, or what evidence was taken, we had no knowledge of, the officers refusing to allow any one on our behalf to be present. Under these circumstances we had no other alternative than to protest as we did against being bound by any inquiry over which we had no sort of control, at the same time repeating our opinion of the unbecoming tone in which his Excellency's advisers are pleased to express their feelings respecting us. We trust that neither in so doing, nor in any other part of our demeanour towards the local government, have we ever overstepped what was due to a right consideration of their authority or of our duties.

How far or how long the investigation was proceeding we had no means of knowing, nor have we had any copy of evidence, or of judgment or report given us. But on the 9th instant another letter was sent us from the Captain-General, dated the 5th instant, stating in extremely short terms respecting it that there were not means available to alter the conclusion previously come to (no hay terminos habiles para variar lo que en ella se determinó).

Under these circumstances we wrote in our reply of the 10th instant, that we regretted to learn such to be his Excellency's conclusion, and that we would take the first opportunity of making it known to Her Majesty's Government.

We have, &c.

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

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

First Enclosure in No. 141.

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

GENTLEMEN,

Havana, November 12, 1840.

I TRANSMIT herewith a copy of the representation made by the principal Fiscal of the Court of this Captaincy-General, of the advice of the Auditor of War, and of my decree of conformity, consequent upon your official letter of the 2nd instant, for the purposes expressed therein, as well as in reply thereto.

God preserve you many years,

(Signed) EL PRINCIPE DE ANGLONA,
Marques de Javalquinto.

Enclosure in the above.

Judicial Representation.

MOST EXCELLENT SIR,—The Fiscal states that if the preceding representation of Her Britannic Majesty's Commissioners of the Mixed Court of Justice had no other ostensible object than to communicate to your Excellency their ideas relative to the affair in question, for the information of our supreme government, as therein expressed, and for the ends of truth, it would have been limited to the rectification of some facts which are related with manifest incorrectness; but as it comprises other particulars of the greatest importance, which cannot be overlooked, he is about to submit to your Excellency's prudent discernment observations suggested by his earnest desire for investigation. The Commissioners condemn a legitimate act of your Excellency, namely, your having ordered the Petty Judge of Casa Blanca to draw up a judicial report of the occurrence which occasioned such a proceeding, for the purpose of deducing that the said officer being guilty of the offences of which they chiefly complain, they could not be surprised at the summary being full of misrepresentations, or that the reports founded thereon should be different from what they had expected; and it is necessary they should be informed that such decree was in accordance with justice, the said act being, according to the police regulations, peculiar to its agents, as of the first instance, even in places where ordinary judges reside, to whom the cases are submitted for their ultimate full cognisance; the more so as the subject under consideration was not a grave one which might require more extensive knowledge and powers, and your Excellency having taken the precaution to assign a brief space for it, together with the extension of such assistance as might be considered necessary for the purpose. The establishment of these officers in the districts would be useless and without an object, if their necessary contact with criminals in the act of their apprehension were sufficient to incapacitate them so as to prevent the efficacy of their own measures, by means of a summary examination of witnesses, which has subsequently to be ratified, and which only they can effectually make, owing to the knowledge they acquire of the persons and concurrent circumstances of the case; and because, by other means, the result of the investigation would be rendered doubtful, after the loss of the precious moments immediately subsequent to the commission of the offence, if time should be allowed to allay the sensations of horror inspired in the breasts of the witnesses. When your Excellency directed the Petty Judge of Casa Blanca to make the summary, the complaints against him did not exist, but were some time after deduced; nor was there the slightest motive to suspect his proceedings, which were marked until then with the stamp of lenity, while if any charge could have been brought against him it would have been that of permitting the officer who appeared to claim the black soldiers to carry them away, for it is prohibited to officers of his class to release individuals once detained by them as culpable; but this deference was sanctioned by your Excellency, who immediately ordered the delivery up of the wounded man, who could very well have been detained, together with his companions, pending the methodical investigation of the fact, in which case the evasive answer would have been avoided which was given by the commander of the "Romney," when they were asked of him to give their testimony, as appears by the certificate at pages 19 and 20. That the detention of the black soldiers, which is termed an outrage, should have been made at a short distance from the shore, and consequently within the limits assigned for their diversion, does not exclude the certainty that their misdemeanors were committed

on forbidden ground ; which circumstance could be of but little, if any, avail in justifying the proceeding, because the demarkation of space in which the soldiers of the "Romney" might recreate themselves does not exclude the territorial jurisdiction, nor subject it to foreign domination, so as thereby to infringe our laws with impunity. The fiscal, in submitting his opinion of the 20th of last month, abstained purposely from contemning the conduct of Lieutenant Fitzgerald in the case in question, because, aware of the rigid discipline of the English, he felt assured that his proceedings would be legally examined into, and the faults he committed against the petty judge, and the armed force which had to restrain his excesses, corrected; and although he has no official knowledge of the results, he doubts not they were, as was to be expected, in accordance with justice; but seeing that Her Britannic Majesty's Commissioners have permitted themselves to designate his report as improper, where it advises that a certified account of the whole affair be transmitted to Her Majesty, with a view of furnishing the Government with the necessary information respecting an affair in which it was to be expected exaggerated demands would be made, as, in fact, were those set forth by themselves, and which were submitted to his legal censure; he now offers an incontestable proof that, devoid of partiality, his only desire is to preserve intact the credit of the laws, and a good understanding, for the due administration of justice; and he therefore proposes that your Excellency direct the summary to be ratified and extended by a proper person to be named for the purpose; not because the one already made is not sufficient for the measures adopted up to the present time—not because the conviction of the Commissioners, founded on the private information they have collected on the subject, invalidates its merit—nor because from this act may be deduced a tacit admission of any right on their part to exact such steps in matters foreign to their special mission—but because the discovery of the truth being the primary object of the tribunals for the proper applications of the laws, any suggestion whatever that may contribute towards its attainment ought to be appreciated. Should your Excellency think fit to adopt the medium proposed, you might be pleased to communicate it to the Commissioners of Her Britannic Majesty in the Mixed Court of Justice, to the end that they, on their part, may contribute towards so laudable an object, by furnishing the person to be commissioned with the opportune information which they state to have acquired, and pointing out by name the English and Spanish witnesses they mention, that they may be examined in form of law, and that the results be communicated to this department for whatever other steps may be necessary, on consideration of its merits.

(Signed) PEDRO DE ALCANTARA.

Havana, November 9, 1840.

Report.

MOST EXCELLENT SIR,—The auditor judges the medium proposed by the fiscal in his preceding report to be advisable; and in consequence your Excellency may be pleased to name a person deserving of your confidence to ratify and extend the summary, charging him to use the utmost despatch, communicating to Her Britannic Majesty's Commissioners of the Mixed Court of Justice the said report for the ends therein expressed. Your Excellency may be pleased thus to decree, or as you may deem more expedient.

(Signed) ANTO. ARMERO.

Havana, November 10, 1840.

Decree.

Havana, November 11, 1840.

AGREEING entirely with the preceding report, I name for the extension of the summary the Principal Adjutant, Captain Don Manuel Perez Alderete.

(Signed) ANGLONA.

LORENZO DE LARRAZABAL.

Notary's Certificate.

THE above is a true copy of the representation of the Chief Fiscal of the Court, of the report of the Auditor, and of the decree of conformity thereto by his Excellency the Captain-General, consequent upon the proceedings relative to the disorders committed by six black soldiers of the English hulk "Romney," and the faults of an officer of the same nation and vessel, against the Petty Judge of Casa Blanca, to which proceedings I refer. And, in obedience to directions, I have extracted the present.

(Signed) DR. LORENZO DE LARRAZABAL.

Havana, November 10, 1840.

Second Enclosure in No. 141.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 17, 1840.

WE have had the honour to receive your Excellency's communication of the 12th instant, in answer to ours of the 2nd, in which your Excellency is pleased to name Don Manuel Perez Alderete as a fit person to entend the investigation into the occurrences of the 12th of October last at Casa Blanca, when a British soldier was severely wounded, and detained a prisoner by the Pedaneo of the

district. This act, your Excellency states, is done in conformity with the recommendation in the Report, also enclosed, of the Fiscal, who suggests it in consequence of the statement we made of our views of the matter, above referred to, of the 2nd instant.

As your Excellency, in your former communication of the 29th of October, had informed us that the previous Reports and summary should be transmitted to Her Catholic Majesty, we understood the phrase, as usual, to purport that your Excellency had considered the decision final; and accordingly we have already forwarded to Her Britannic Majesty's Government the correspondence which had passed. We rejoice, however, to receive this proof of your Excellency's desire to further the ends of justice, and trust this desire will not be frustrated by further misrepresentations or evasions of the actual grounds of complaint.

If the soldiers have been wandering out of the limits assigned them, or have in any way been conducting themselves disorderly, we respectfully offer our opinion that complaints of their conduct ought to have been transmitted to us, as was done before by your Excellency's predecessor in an official communication of the 14th of June, 1839. But neither the Pedaneo nor the Fiscal has any right to allege such indefinite charges, in answer to complaints we had made to your Excellency in the hope of redress.

The former Report of the Fiscal we pointed out to your Excellency to be written in a tone unbefitting his position as your Excellency's adviser, and alike forgetfulness of our position as representatives of a friendly power under a solemn treaty, for the purposes of that treaty. The present Report repeats the phrases referred to; and the Fiscal should therefore be informed that our powers extend to whatever arrangements are required for the due fulfilment of the objects of the treaty, and that, therefore, we have formerly had the communications with your Excellency's predecessor for the correspondence referred to, as well as for the settling of the bounds for the recreation of the soldiers.

Under these powers, having received special directions for that purpose from Her Britannic Majesty's Government, we accepted the conditions prescribed by your Excellency's predecessor, and had in like manner the communications proceeding in consequence. In like manner we have now laid before your Excellency our grounds of complaint; and as they do not seem to be understood by the Fiscal, and therefore cannot be expected to be understood by the officer entrusted with the further examination, we beg to propose that the following questions be put to each witness; and that direct answers, yes or no, only be allowed:—

1. Was the black soldier within the limits, or not, when the wound was inflicted?
2. Was he or not, with others of his companions, taken by the Pedaneo to the deserted house on the road-side, mentioned in the summary?
3. Were the black soldiers, or not, marched thence down to the wharf by the serjeant-major who was in charge of them?
4. When at the wharf, and about to enter their boat, was the guard, or not, called out by the Pedaneo to prevent them?
5. Were the black soldiers, or not, then refused to be given up to their commanding-officer, Lieutenant Fitzgerald, who wished to take charge of them?
6. Was Lieutenant Fitzgerald, or not, prevented taking charge of them by the guard presenting their loaded muskets at him?
7. Did Lieutenant Fitzgerald draw his sword out of its sheath, or not; or did he, or not, unbuckle it, and throw it down on the ground, declaring himself also their prisoner?
8. Was Lieutenant Fitzgerald, or not, compelled by force to leave his soldier in the power of the Pedaneo and the guard?
9. Did the Pedaneo, or not, take and detain the wounded and injured man; and did he, or not, allow the man who committed the outrage to go at large?

If these questions be answered, as we believe they must be, all in the affirmative, we can have no hesitation in saying that, not only the man who committed the outrage, but also the Pedaneo, who conducted himself in the manner described, ought to be severely punished.

The Fiscal now, for the first time, talks of the faults he alleges Lieutenant Fitzgerald to have committed against the Pedaneo and the armed force who had to restrain his excesses. Of those faults and excesses we are wholly ignorant and incredulous. It is impossible to believe that an English officer would be guilty of any such foolish conduct as is ascribed to him—that of drawing his sword on an armed guard; while we must declare that the conduct of the Pedaneo, first in taking into custody an injured and wounded man while letting the offender go at large, and then in lowering Lieutenant Fitzgerald in the eyes of his soldiers by taking or detaining one of them from him, who had committed no offence whatever, was an act exceeding his duty, and a personal offence to Lieutenant Fitzgerald.

For ourselves we can have no objection to any the fullest investigation, but must protest against being bound by any over which we have no check, and at which we may not be present. With this stipulation, therefore, and on the condition that copies of the examination made, and signed at the time, be given to Lieutenant Fitzgerald, we respectfully and cheerfully accept this mark of your Excellency's desire to further the ends of justice by a more satisfactory investigation.

For the same object we subjoin the names of the British witnesses whom Don Manuel Alderete may call for the examination we have proposed: viz.—

Lionel Charles Fitzgerald, Lieutenant commanding the detachment.

John Sullivan, Serjeant-Major.

Black soldiers—Francis Graham and George Grant.

Seamen of the "Romney"—Thomas Garretty and James Young.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

His Excellency the Captain-General,

&c. &c. &c.

Third Enclosure in No. 141.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, Februa 5, 1841.

By a decree of the 3rd instant, issued by the advice of the Auditor of War, and in conformity with the representation made by the Chief Fiscal of the Tribunal of this Captaincy-General, upon the Report of the investigation made into the excesses committed at Casa Blanca by several soldiers of Her Britannic Majesty's hulk "Romney," I have directed that what was resolved upon on the 29th October last, and which I communicated to you under the same date, be literally complied with: and I have to add that there are no means available to alter the conclusion previously come to, of which I shall acquaint Her Majesty, and furnish a Report of the measures lately adopted on the subject, for the information of the government, which I state to you, Gentlemen, in reply to your communication of the 17th November last.

God preserve you many years.
(Signed)

EL PRINCIPE DE ANGLONA,
Marques de Javalquinto.

*Her Majesty's Commissioners in the
Mixed Court of Justice.*

Fourth Enclosure in No. 141.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, February 10, 1841.

WE have had the honour to receive your Excellency's official note of the 5th instant, relative to the occurrences which took place at Casa Blanca on the 12th October last, and the further inquiry which your Excellency had directed to be taken respecting them.

We regret now to learn from your Excellency that there are not means available to alter the conclusion previously come to; and will take the earliest opportunity of forwarding this communication to Her Britannic Majesty's Government.

We have, &c.
(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

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

No. 142.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, February 15, 1841.*

MY LORD,

(Received March 19.)

DURING the last month the following vessels were despatched hence, suspected of being intended for Slave Trade:—

Jan. 9th, Portuguese brigantine "*Gabriel*," for Cape Verds.
 „ 26th, „ schooner "*Liberal*," for Monte Video:
 „ 29th, „ „ "*Ligera*," for Buenos Ayres.

The two last, your Lordship may observe, were cleared ostensibly for Monte Video and Buenos Ayres; but as they have both been previously engaged in Slave Trade, and have been now despatched without giving the names of merchant or captain, and without being inserted in the daily announcements of vessels sailing hence in lawful traffic, we have no doubt of their being really intended for the Coast of Africa.

Of the arrivals from Africa, we regret to say that increased difficulties in the obtaining of information prevent our giving such full particulars in our report as might be desired. We believe, however, that in the principal respect, namely, of numbers, we are correct in stating that there arrived on the

1st Jan. Portuguese schooner with 321 negroes.
 24th „ „ schooner "*Estrella*," with 311 negroes, consigned to Forcade.
 30th „ „ brigantine, with 413 negroes, consigned to Messrs. Boch, Mayner, and Co.
 27th „ „ brig "*Montecu*," alias "*Volador*," in ballast.

The last vessel is said to have been the one formerly known as the "*Volador*," and was engaged specially to bring information of the factories at Gallinas

having been visited and destroyed by the British. This intelligence has created so much sensation among the slave-dealers and their friends, that we can have no doubt of its being authentic, and therefore beg to express our satisfaction in receiving it. Were the same course taken all down the coast, and all persons found engaged in Slave Trade made prisoners, to be sent to their respective governments in Europe or elsewhere, we have no doubt that the dealers would find a difficulty in procuring agents for their machinations which might prove insuperable.

We have received intelligence also through the United States that the celebrated "*Socorro*" has been seized by the authorities of Mozambique, with a number of other vessels, and that the "*Amalia*" has been taken by a British cruiser. We hope this may prove correct; but at present we hesitate in attaching credit to the reports. The "*Venus*," otherwise the "*Duquesa de Braganza*," of which so much has been formerly written, arrived here on the 10th inst., after landing two days previously on the coast 711 negroes. Having found it again our duty to denounce her to the Captain-General, the circumstances attending her arrival, and the correspondence thereon, will form the subject of a subsequent Despatch.

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

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

No. 143.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, February 20, 1841.

(Received March 19.)

MY LORD,

WE have the honour to report that on the 14th instant the Spanish slave-schooner "*Segunda Rosario*" was brought into this place as prize to Her Majesty's ship "*Cleopatra*," having been detained on the 27th January last, in about latitude 18° 5' N., longitude 64° 40' W., with 293 negroes on board. The captor in his declaration states that there were 288, but on the vessel arriving here, and the number being more carefully ascertained, it was found to have been 293; inasmuch as four had died subsequent to the capture, and one had fallen overboard, while 288 still remained on board.

The Court met for the adjudication on the 17th inst., when the papers of the vessel, which were in due course as of a Spanish merchant vessel, were produced. It appeared from them that the "*Segunda Rosario*" had sailed hence in March last for the Cape Verds, of which we also gave notice at the time; that she was some months on the coast, and was once at least visited by a British cruiser, but found not to have any article on board which could lead to a conviction. On the 3rd January, however, she took in the slaves and the equipments in the river Pongo, and was proceeding, as the captain alleged, to Porto Rico, when met with by the "*Cleopatra*."

These circumstances having appeared by the evidence of the officer sent in charge, and that of the master and mate of the "*Segunda Rosario*," the Court agreed to a sentence of lawful capture, with condemnation of the vessel, and decreeing the negroes to be liberated. The sentence was signed in due course on the 18th, and immediate notice being given thereof to Mr. Turnbull, Her Majesty's Superintendent of Liberated Africans, that officer took them in charge that day, in accordance with the treaty.

Her Majesty's packet "*Sheldrake*" being in the harbour, and intending to sail in the morning, we must of necessity postpone sending the abstract of the evidence and the sentence, which we have not had time to translate and prepare for enclosure with this Despatch.

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

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

No. 144.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, April 15, 1841.**Circular sending Treaty with the Argentine Confederation.*

(See No. 11.)

No. 145.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, April 22, 1841.**Circular sending Convention with Hayti.*

(See No. 12.)

No. 146.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, February 26, 1841.*

MY LORD,

(Received April 26.)

IN our Despatch, dated the 20th instant, we had the honour to report the facts of the capture and condemnation of the Spanish slave-schooner "*Segunda Rosario*," of which case, however, we were unable to send the usual abstracts, not being able to prepare the translations in time for the packet then about sailing. We now supply the deficiency, and enclose, as usual, copies of the captor's declaration, of the abstract of the evidence, and of the sentence consequent thereon.

The "*Segunda Rosario*" has been long engaged in Slave Trade, and has been many times mentioned in our lists. She was, we understand, principally owned by a person named Roviroza, resident here, but the adventures were taken in shares or "acciones," and the negroes found on board were owned by various speculators, besides those on account of the originators of the enterprise. Among the rest your Lordship may observe, by Enclosure No. 4, that 40 were sent on account of the rich negress, Mrs. Lightbourn, who sent with them two of her sons in charge, from her factory on the river Pongo. Since the death of her first husband, or supposed husband, Mr. Lightbourn, who was an Englishman or American, she has married a negro, and has a family of eight children altogether. The two found on board the "*Segunda Rosario*" are negroes; the children of Lightbourn are mulattoes, and have received education in the United States, where one of them is now living. Two of Lightbourn's daughters are married to white men—one to a person named Empson or Emerson, who is from Baltimore, United States, and the other to a person who in the Enclosure No. 5 signs himself "B. Campbell, a British merchant." The Enclosures Nos. 4 and 5 are evidently written by the same person; and we send the originals, as well as copies, supposing your Lordship may think proper to send them to Sierra Leone with instructions to inquire into Mr. Campbell's share in Mrs. Lightbourn's slave-dealings. We understand she has a very large factory, and is considered wealthy; indeed some indication of this may be perceived in her sending in the "*Rosario*" "40 prime slaves," who, if sold at 400 dollars each, a low average, would have brought her more than 3000*l*.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

First Enclosure in No. 146.

Captor's Declaration in the case of the "Segunda Rosario."

I, ALEXANDER MILNE, Esq., captain of Her Britannic Majesty's ship "Cleopatra," hereby declare that on this 27th day of January, 1841, being in or about latitude 18° 15' N., longitude 64° 40' W., I detained the schooner named the "Segunda Rosario," sailing under Spanish colours, armed with no guns, commanded by Captain Francisco Peirano, who declared her to be bound from the Rio Pongo to Puerto Rico, with a crew consisting of 17 men, 4 boys, supercargo, 7 passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 288 slaves, said to have been taken on board at Rio Pongo on the 3rd day of January, 1841, and are enumerated as follows, viz. :—

	Healthy.	Sickly.
Men	166	4
Women	60	None.
Boys	47	None.
Girls	15	None.

I do further declare that the said schooner appeared seaworthy, and was supplied with a sufficient stock of water and provisions for the voyage to Puerto Rico.

I do further declare that I have supplied the said schooner with 2 casks of peas, 2 casks of flour, 5 casks of water, for the use of the slaves in case the provisions should run short on their voyage to the Havana.

(Signed) ALEXANDER MILNE, *Captain.*
P. MARTIN, *Surgeon.*
ALEXANDER GORDON, *Mate and Prize-Master.*

List of the Passengers.

Antonio Montanes.	José Didon.
José de Cos.	Marcelino.
Marcial Vidal.	Juan Borges.
Marcelino Gomez.	

Second Enclosure in No. 146.

Abstract of the Evidence in the case of the "Segunda Rosario."

Mr. ALEXANDER GORDON, mate of Her Britannic Majesty's ship "Cleopatra," and prize-master of the Spanish merchant-schooner "Segunda Rosario," being duly sworn, deposed that he was present at the signing of the captor's declaration, the signatures being those of the commander of the capturing vessel, the surgeon, and deponent. That the "Cleopatra" has not come to this port. That the only mistake in the declaration, which was doubtless made at the time of the capture in counting over the slaves, probably owing to the hurry in which it was done, is in their number, which is therein stated to be 288, whereas, in counting them over yesterday with more care, he found the same number, though four had died since the first-mentioned period, and one had jumped overboard, so that there must have been at the time of capture 293. That the papers of the "Segunda Rosario" delivered to him by his commander are six in number, viz. :—1. a certificate of goods embarked in said vessel by her captain, Don Francisco Peirano, given by the custom-house of this port; 2. the sailing passport; 3. the Moorish countersign; 4. sailing directions for the masters of Spanish merchant-vessels; 5. the muster-roll; and 6. the log-book. That one of the negroes of the crew who understands English tells him there are some few articles of food left, but that, owing to the crowded state of the vessel, he has been unable to examine her. On concluding his declaration deponent presented an account for provisions he had had to supply for the support of the negroes, amounting to 82 dollars 1 real, which, together with one for medical attendance which he has and will present to-morrow, having forgotten to bring it with him, were directed by the Judges to be filed and paid in due course. He likewise begged to recommend particularly to the favourable consideration of the Court, and the other Spanish Courts, civil and criminal, by which he was to be tried, the mate of the captured vessel, for his good conduct in volunteering to pilot the schooner, which he did with the greatest care until she reached this port, and also in rendering whatever assistance was required of him by deponent in regard to the cargo.

Don Francisco Peirano, a native and inhabitant of Ferrol, 40 years of age, married, and captain of the Spanish merchant-schooner "Segunda Rosario," being duly sworn, deposed that he sailed from Havana, but does not recollect on what day, with Spanish papers and merchandize fit for trading in the Portuguese islands, such as tobacco, ready-made clothes, &c., and that he made direct for the before-mentioned islands. That he there sold and landed his cargo, and was there freighted for the coast of Africa by a merchant with another cargo of goods. That on arriving at Rio Pongo they were compelled to land them, and to take negroes on board, as they would not pay the merchant, and he had no other means of recovering the value of his property. That the merchant remained in Africa and placed the negroes under the charge of an individual who was left on board the capturing vessel, Don Manuel Porta, a Portuguese. That he does not know where it was intended the negroes should be landed, as it was left to the person charged with them, who was prevented from effecting it by their being captured by the English cruizer "Cleopatra," 35 miles off St. Thomas's, on or about the 27th of January last, as well as he can recollect, and brought to this port. That, not being, as he has before stated, charged with the care of the negroes, and being besides too ill to occupy himself with such matters, he does not know how many negroes were embarked in the River Pongo, or how many remained at the time of capture, or on their arrival in this port. That he knows not if there be any provisions or other articles left on board, by reason of his before-mentioned attacks of illness, which kept him confined to his berth and disabled him from attending to anything whatsoever.

Don Diego Sanchez, being next sworn, deposed that he is a native of Guijon, in Asturias, 23 years

of age, a bachelor, and mate of the Spanish schooner "*Segunda Rosario*." That a long time ago he sailed for Africa in the schooner "*Curtiney*." That they made for New Orleans, and afterwards for Gallinas, deponent being a passenger. That from the last-mentioned place he went to Bissão, and thence to the Cape Verd Islands, where he shipped as mate on board the "*Segunda Rosario*." From these islands they sailed for the River Pongo. That he does not know if the captain landed the cargo. That he saw the negroes put on board, but does not know to what number; and that they then sailed, but for what destination he knows not, until they were captured by an English cruiser called "*Cleopatra*." That he is alike ignorant of the number of slaves at this time, though he saw three of them die; that they were then brought to this port, he being still ignorant of the number of slaves on their arrival. That, never having seen the schooner's papers, he cannot of course recognise them—the only one he knows being the log-book, which he kept as mate, bringing the captured vessel to this port, and rendering whatever services he could, especially when the vessel was in danger of being wrecked on the Keys called Los Jardines, from its being believed that they were beyond the Isle of Pines, which was not the case, and fortunately deponent was enabled to pilot the vessel until she anchored in this bay. That of the provisions he believes there is a small quantity of meat left here.

A coloured man was next examined, without being sworn, as he is not a Christian, but declaring that he would speak the truth. Many questions were put to him, from which it appears that he is a native of Rio Pongo, son of a rich woman of that place, by whom he was sent to this city on his way to Matanzas, together with a brother called Santos, now on board the cruiser "*Cleopatra*." That he himself is called Joseph. That there were on board the schooner some Bozal negroes from the place he belongs to, who were captured by an English vessel. That he and his brother were passengers in the schooner, and were going to Matanzas to learn Spanish. That he has no knowledge of anything else, and understands scarcely any Spanish, and that he is 24 years old.

Third Enclosure in No. 146.

(Translation.)

Sentence in the case of the "Segunda Rosario."

IN the always most faithful city of Havana, on the 18th day of February, 1841, His Excellency Don José Maria Herrera y Herrera, Conde de Fernandina, honorary grandee of Spain of the first Class, &c. &c., and James Kennedy, Esquire, 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 made by Her Britannic Majesty's cruiser "*Cleopatra*," Captain Alexander Milne, of the Spanish merchant-schooner "*Segunda Rosario*," Don Francisco Peyrano, master, on the 27th of last month, in latitude 18° 5' N., longitude 64° 40' W., 35 miles off St. Thomas's, from which it appears that the said schooner sailed from this port with a cargo and Spanish papers, and made for the Cape Verd Islands, where she took on board the second mate, Don Diego Sanchez, and another cargo nearly the same as the first, and then steered for Rio Pongo on the coast of Africa, where they took on board 293 slaves, for, although in his declaration Captain Milne only states 288, the prize-master on giving his evidence declared that, four having died, and one jumped overboard, there remained, when he last counted them, 288; and the above facts being fully proved by the declarations of the captors and captured individuals, and by the documents filed with these proceedings, the judges agreed that they ought to declare, and hereby do declare, with all due regard to the merits of the case, and according to the usual summary mode of proceeding in all such cases, on the truth being made manifest, that the before-mentioned Spanish merchant-schooner "*Segunda Rosario*," is a good and lawful prize, and the 288 Bozal negroes remaining alive are hereby declared free from all slavery and captivity. The secretary will, without delay, assign to them their certificates of emancipation, and the condemned vessel, with all that belongs to her, will be valued by the principal masters of the Royal Arsenal, who shall be sworn to perform their duty faithfully, and after being broken to pieces the fragments to be sold by public auction before the Government notary, Don Manuel Fornari, Don Juan Cinta being in the mean time appointed to act as depositary, receiving her from the captor according to formal inventory, in order that she be announced to the public as for breaking up by the most reasonable bidder, the proceeds to be applied to the benefit of the two Governments: a certified copy of this sentence to be addressed to His Excellency the President, Governor, and Captain-general, for His Excellency's information, and because the individuals of the crew of the "*Segunda Rosario*" remain at His Excellency's disposal. And by this their sentence definitely judging thus the judges provided, ordered, and signed, in the presence of their secretary, who certifies.

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

(Signed) D^{or}. JOSE ANT^o. VALDES, *Secretario*.

Fourth Enclosure in No. 146.

Copy of a Paper found on board the "Segunda Rosario."

Rio Pongo, Africa, January 1, 1841.

BE it known to whom it might interest, that I, Isabela Lightbourn, of Rio Pongo, hast freighted on board the Spanish schooner "*Rosario the Second*," Captain Francisco Peranio whereof is the master for the present voyage, to say 40 prime slaves, which I have intrusted under the charge of my son Joseph Lightbourn, he paying freight for the said slaves, and has a right to dispose of the said slaves as he thinks proper.

(Signed) ISABELA LIGHTBOURN.

Fifth Enclosure in No. 146.

*Copy of a Paper found on board the "Segunda Rosario."**Rio Pongo, January 1, 1841.*

THIS is to certify that John Boson, who states to me that he has this day hired himself as cook on board the Spanish schooner "*Rosario the Second*," is a free native of the Rio Pongo, on the western coast of Africa, and at his request, for his protection, I give this certificate under my hand.

(Signed) B. CAMPBELL, *British Merchant.*

No. 147.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, March 5, 1841.**(Received April 26.)*

MY LORD,

WE have the honour to report that on the 27th ult. his Excellency the Conde de Fernandina resigned the office of Judge on the part of Spain in the Mixed Court of Justice established at this place, the duties of which he has fulfilled upwards of ten years. Your Lordship may observe in his letters enclosed that he assigns as his actuating cause the state of his health, which requires a lengthened residence in the country, so as to prevent his being able in future to attend to those duties.

In our answer we felt ourselves bound to express our unfeigned regret to lose from the court the presidency of a nobleman so urbane in his deportment, and so firm in the maintenance of its rights and powers. We would add, as a matter of consideration, that during the ten years in which he has presided there have been but two occasions of dissent from his judgment, in one of which the British Government, upon the report of His Majesty's Advocate-General, acknowledged the validity of his decision.

According to the provisions of the Treaty of 1835, Annex B., Art. IX., the office of Judge will be filled by the Spanish Arbitrator, and that of Arbitrator by the Governor, until further appointments be made by the government of Her Catholic Majesty.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

First Enclosure in No. 147.

Count Fernandina to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 1, 1841.

THE Captain-General has accepted my resignation of the office of Spanish Judge in the Mixed Court of Justice, founded on the decline of my health obliging me to remain a long time in the country; and I signify this to you, assuring you that I shall preserve whilst I live a grateful remembrance of the considerations of esteem with which you have favoured me.

God preserve you many years.

(Signed) EL CONDE DE FERNANDINA.

*Her Britannic Majesty's Commissioners
in the Mixed Court of Justice.*

Second Enclosure in No. 147.

Her Majesty's Commissioners to Count Fernandina.

MOST EXCELLENT SIR,

Havana, March 2, 1841.

WE regret to learn that your Excellency has found it obligatory upon you, from considerations due to your health requiring long residence in the country, to resign the office of Judge on the part of Spain in the Mixed Court of Justice, the duties of which you have, for fourteen years, so ably and so honourably discharged.

We feel that, in retiring from those duties, no acknowledgment of ours can weigh with the appro-

bation of your Sovereign, and your own consciousness of the rectitude of your conduct. But we feel also that we should be acting contrary to our convictions of right if we were not to express our regret to lose your presidency from the court, characterised, as it has been, by equal firmness, integrity, and talents, joined to an urbanity which we would beg leave particularly, on personal as well as on public grounds, to acknowledge.

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

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

Third Enclosure in No. 147.

(Translation.)

Count Fernandina to Mr. Kennedy.

MY DEAR SIR AND LATE COLLEAGUE,

Havana, February 28, 1841.

BEFORE I communicate to the English Commissioners officially my retirement from the Mixed Court I wish to do it to you in particular, assuring you that, though we do not continue the same duties, I shall preserve towards you the same feelings of consideration and esteem which you have inspired since I had the pleasure to know you. As a private individual, and in whatever circumstances, you may and ought to rely on my disposition to serve you in whatever you may desire. Meanwhile I remain as ever yours, faithfully and truly,

(Signed) EL CONDE DE FERNANDINA.

James Kennedy, Esq.

No. 148.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 5, 1841.

MY LORD,

(Received April 26.)

THOUGH slave-vessels continue to come here with such lamentable frequency, and with even considerable notoriety, the parties connected with them now practise such a degree of reserve in their communications to the public, that we find it impossible to obtain sufficiently early information of the particulars attending them, so as to enable us to fulfil our duty of denouncing them to the local government. For some time past, therefore, we have been unable to lay hold of any case which would enable us to fulfil this duty in a satisfactory manner: but the arrival of the "*Venus*," otherwise the "*Duquesa de Braganza*," on the 10th February, being attended with circumstances of more than usual notoriety, we found ourselves enabled to call to them the attention of the Captain-General. Accordingly, on the 12th February, we addressed a letter to his Excellency, stating the facts attending the arrival of this vessel, for which the signal was made at mid-day from the Moro' Castle that she had arrived from Africa. We stated it was well known that she had, two days previously, landed upwards of 700 negroes on the coast, on the part of the great slave-dealer Mazorra, who were at that time on sale, though all labouring under an attack of small-pox, at the barracon in San Antonio el Chiquito.

We took the same opportunity of referring to two other cases of arrivals, of which we had not such full particulars, but could state that, on the 30th January, a brigantine, under Portuguese colours, had landed on the coast 413 negroes, consigned to the Catalan firm of Boch, Mayner, and Co.; and that, on the 24th January, another vessel had come with 311 negroes, consigned to the French slave-dealer, M. Forçade.

We observed it was notorious, therefore, that within a fortnight about 1500 negroes had been introduced into this place or neighbourhood, and that it was impossible for such an importation to be effected without the knowledge of the government.

In his answer of the 14th February his Excellency informed us that he had commissioned the Third Lieutenant-Governor immediately, and without a moment's delay, to go to the barracon specified, and apprehend the Bozal negroes found there. This letter we received on the 15th, and on the same day we learned that it was well known throughout the city and at the barracones that a search, or pretended search, was to be made on the evening of that day, so much so that we heard of a person who had been in treaty for some

of the negroes, and whose offer had been refused, was applied to and told his offer would be accepted, provided he would clear them away immediately. We learned also that they were to be removed, or were already removed, notwithstanding their suffering, many of them severely, from illness and debility, to another barracon in the immediate vicinity of the governor's country-house.

Under these circumstances we immediately addressed another letter to his Excellency, letting him know of our being acquainted with the real facts attending this immediate investigation, and requesting that it might be extended to the other barracon (of Misericordia) also. His Excellency immediately answered us, in a short note, that he had given directions accordingly.

On the 2nd March instant we received a communication from his Excellency, not favouring us with any report or detail of the investigation, but merely stating that, upon its being made, no proofs whatever had resulted of the facts alleged. In our final answer we expressed our regret that any means should be found to exist enabling persons guilty of such offences to escape from punishment, and assured his Excellency that we had made our denunciation under a knowledge of circumstances that left no doubt in our minds of the truth of the charge.

There are many reports prevalent respecting the conduct of the persons connected with the government in this business, and very large sums are mentioned as the prices demanded, if not paid, in consideration of screening offenders so notoriously subject to amercement. We have no doubt whatever but that some bribes have been paid, but cannot believe that the large sums mentioned in some reports have been; preferring another report, that the parties refusing to submit to such exactions escaped by declaring they would throw all the negroes on the hands of the government, and expose it to the obloquy it deserved of its well-known protection of the trade. Whatever may be the real truth in this respect, the result is that an answer has been returned us which can deceive no one, and which only shows how impossible it is to rely upon this government for any effectual aid in support of the treaty for the suppression of Slave Trade. We feel, therefore, renewed occasion to express a wish that your Lordship's proposal to the Spanish Government, made so long since as the 26th October, 1838, be repeated,—“That power be given to the Mixed Court of Commission established at the Havana to call before it parties suspected of being engaged in the Slave Trade, and to subject them to the same course of examination, which ought to be carried on by the administrative officers of the colonial government, but which is wholly evaded and omitted by these officers.”

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 the Captain-General.

MOST EXCELLENT SIR,

Havana, February 12, 1841.

WE have refrained lately from calling your attention to the numerous cases of arrivals of slave-vessels which have come to our knowledge, in the hope that your Excellency's subordinate authorities would have been induced to act more in accordance with their duties upon observing the course taken by Her Britannic Majesty's Government in respect of former violations of the law and the Treaty relating to Slave Trade. We regret to think that all remonstrances have been made in vain, and that severer measures must be adopted to enforce that obedience, which ought to proceed spontaneously from the respect due to the wishes of the high contracting powers.

On the 10th of February instant arrived in this harbour a vessel under Portuguese colours, for which the signal was made at the Moro' as having come from the coast of Africa. This vessel proved to be the "*Venus*," otherwise the "*Duquesa de Braganza*," a notorious slaver, which was well known only two days previously to have landed a few miles to the eastward above 700 negroes. These are, we understand, now on sale at the barracon in San Antonio el Chiquito, and the property of a Spanish slave-dealer, Don Jozé Mazorra. It is further reported that they are all labouring under an attack of small-pox.

On the 30th of January last arrived another vessel, a brigantine, under Portuguese colours, which landed 413 negroes near this port, consigned to the Catalan firm of Bosch, Mayner, and Co.

On the 24th of January, another vessel came with 311 negroes, consigned to a French slave-dealer named Forçade.

Within a fortnight, therefore, it is notorious that about 1500 negroes have been brought into this port, or its immediate neighbourhood, and it is impossible that such an importation could be had without coming to the knowledge of your Excellency's Government. It is our duty to represent these circumstances to your Excellency, as well as to our own Government, and we should be glad to hope that our representations might be attended with success in putting an end to such transactions, and ensuring the punishment of such offenders.

The Captain-General,
&c. &c. &c.

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

Second Enclosure in No. 148.

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

GENTLEMEN,

Havana, February 14, 1841.

As soon as I became acquainted with your communication of the 12th instant, which I this day received, relative to the arrival at this port from the coast of Africa of the three vessels mentioned therein, and of the negroes which they brought being deposited in the barracon of San Antonio el Chiquito, I commissioned the Third Lieutenant-Governor, who resides in the suburbs, to go immediately and without a moment's delay to the place designated, and to apprehend the Bozal negroes found there; and have likewise authorized him to enter upon the customary summary investigation into the facts referred to in your before-mentioned communication, this Government being always disposed, in obedience to her Majesty's orders, to give effect to the Treaties, it being understood that I will acquaint you with the result of the inquiry.

God preserve you many years.

(Signed) EL PRINCIPE DE ANGLONA, MARQUES DE JAVALQUINTO.
Her Majesty's Commissioners,
&c. &c. &c.

Third Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, February 15, 1841.

We have had the honour to receive your Excellency's provisional answer of the 14th instant to our communication of the 12th, promising that immediate search should be made at the barracon of San Antonio el Chiquito for the Bozal negroes we had denounced as having been to be found there, of the cargo of the slave-vessel "*Venus*."

We regret to learn, however, from another source on which we can rely, that the search is not to be made till this evening, and that meanwhile notice has been given to the parties at the barracon just mentioned, so that they are removing, or have already removed, them to another barracon, that of the *Misericordia*, which is in the immediate vicinity of your Excellency's country-house.

We have, therefore, to request that your Excellency will immediately institute further orders that the search be extended to the last-mentioned barracon, as well as to the other.

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

The Captain-General,
&c. &c. &c.

Fourth Enclosure in No. 148.

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

GENTLEMEN,

Havana, February 15, 1841.

THIS day I forward to the Señor Third Lieutenant-Governor your communication of the same date, in order that he may proceed immediately to the search of the barracon of the *Misericordia*.

God preserve you many years,

(Signed) EL PRINCIPE DE ANGLONA, MARQUES DE JAVALQUINTO.
Her Majesty's Commissioners,
&c. &c. &c.

Fifth Enclosure in No. 148.

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

GENTLEMEN,

Havana, March 2, 1841.

FROM the summary investigation I directed the Third Lieutenant-Governor of this Government to enter into, in consequence of the denunciation made by you in your letters of the 12th and 15th of February last, upon the information you had received of the arrival in this port of three slave-vessels

under Portuguese colours, consigned to the individuals whose names you therein state, and of the landing of Bozal negroes, who at that time were said to be in the Barracon of San Antonio el Chiquito, belonging to Don José Mazorra, no proof whatever of the above facts has resulted, as appears by the measures adopted in the course of the said investigation, in which they are detailed very minutely, and in the order adopted by the chief commissioned, according to my directions; it appearing by the certificate of the captain of the port that the Portuguese brig "*Duquesa de Braganza*" entered this harbour in ballast, as coming from Goa, consigned to her master, Don José Barbosa, there being no entry made in his office of the arrival of the other two vessels from Africa at the time therein mentioned: and I give you this statement as the final result of the proceeding, for your information, and in order that you may be convinced of the measures dictated by the Government, which is always disposed to the observance of the Treaty.

God preserve you many years.

(Signed) EL PRINCIPE DE ANGLONA, MARQUES DE JAVALQUINTO.
Her Majesty's Commissioners,
&c. &c. &c.

Sixth Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, March 3, 1841.

WE have had the honour to receive your Excellency's official letter of the 2nd of March inst. respecting a denunciation we had made in our letters of the 12th and 15th of February last of a number of Bozal negroes being then at the barracones of San Antonio el Chiquito and Misericordia from the cargoes of certain slave-vessels, the "*Duquesa de Braganza*" and others, which had recently arrived here under Portuguese colours from the coast of Africa.

In two former letters, written provisionally, of the 14th and 15th, your Excellency informed us that instructions had been given to the Third Lieutenant-Governor to make strict inquiry at those barracones and into the circumstances denounced. In the letter now before us your Excellency informs us that upon this inquiry being made no proofs resulted of any such negroes being at those barracones, while it appeared from a certificate of the captain of the port that the "*Duquesa de Braganza*" had entered here in ballast from Goa, without any entry being made in his office of the other vessels referred to.

We beg duly to acknowledge your Excellency's ready attention to the complaints we had found it our duty to make, and regret that any means should be found to exist enabling persons guilty of such offences to escape from punishment. We assure your Excellency that we made our denunciation under a knowledge of circumstances that left no doubt in our minds of the truth of the charge.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE

The Captain-General,
&c. &c. &c.

No. 149.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 10, 1841.

(Received April 26.)

MY LORD,

DURING the last month the following vessels were despatched hence suspected of being intended for the Slave Trade:—

11th February,	for Buenos Ayres,	Portuguese brig	" <i>Fortuna.</i> "
15th	"	Montevideo	"
18th	"	Buenos Ayres	" schooner " <i>Felicidade.</i> "
23rd	"	Montevideo	" "
			" " <i>Esperanza.</i> "

Your Lordship may observe that they were, according to the practice now adopted, all despatched ostensibly to South America; but as no entry was made of the names of the merchants or masters, and as the vessels were formerly well known in the Slave Trade, we can have no doubt of their being intended for the same purpose again. The number despatched we fear is a prognostication of the dealers being as desperately bent as ever in carrying on their pursuits.

The only vessel that arrived during the month, we believe, was the "*Venus*," otherwise the "*Duquesa de Braganza*," on the 10th of February, and which forms the subject of a previous despatch. This vessel has since been put up for sale by auction, and is, we understand, in future to be a packet, to sail between this place and Santander. At the same time by auction was sold the "*Dido*," a vessel which has gone three voyages to the coast of Africa, under American colours, though belonging to the same parties, of whom Mazorra is the chief. This person has, we understand, retired from all business, and is about returning to Spain, with a fortune of four millions of dollars.

CLASS A.

But though the Slave Trade seems to be continued with so much vigour, notwithstanding the exertions of Her Majesty's Government, we are glad to think that a spirit increasingly hostile to it is growing up in this island. Though the local government is notoriously and shamelessly affording it every protection, we understand that strong and serious representations, on the other side, have been sent to Madrid from some very influential persons in this place; and the Royal Patriotic Society, composed of about 350 of the principal inhabitants, have, as far as they could be allowed to do so, set themselves in array against it. Of one of these meetings we enclose your Lordship a translation from the *Diario* of the 16th of February, and we feel assured your Lordship will consider it very gratifying, in connection with the document from the same paper which we appended to our yearly report of the 1st of January last. As characteristic of the objects of the society, we would state that during the last year their receipts amounted to nearly 17,000 dollars, of which upwards of 10,000 dollars were expended for elementary schools and a school of design.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

Enclosure in No. 149.

*Antonio Bachiller, Secretary, to Don Jozé T. de Arazoza, Editor of the Diario of Havana,
Member of the Royal Patriotic Society.*

(Translation.)

*Secretary's Office of the Royal Patriotic Society
of Havana, February 8, 1841.*

SIR,

I REMIT to you the enclosed document, that you may please to insert it in your valuable periodical, in fulfilment of the agreement to which it has reference.

"The Licentiate Don Antonio Bachiller y Morales, Advocate of the Royal Audiencias of the island, Licentiate in the Sacred Canons, Professor of Political Economy in the Royal College Seminary of San Carlos, Member of Merit of the Royal Economic Society of Friends of the Country, its Secretary, &c. :—

"I certify that, in the ordinary meeting of the 27th January last past, it was proposed and agreed to, among other matters, as follows :—The Señor Director took the address and said, 'He considered that the Royal Patriotic Society ought to give a marked expression of thanks to the Licentiate Don Miguel Estorch and Co., for their introduction into this island of the system of white colonization, for which there had been so many propositions, and at such distinct periods, by the Society.' The proposition being received with enthusiasm by the meeting, it was agreed that a certificate of this part of the proceedings be forwarded to the promoters of the enterprise, that it should be declared to them how meritorious in the eyes of the Royal Patriotic Society was the determination, perseverance, and patriotism of which they gave a laudable proof, opposing the torrent of prejudices, and exposing their interest to an experiment which was always thought hazardous; and that the Committee, anticipating the wishes of so worthy enterprisers, only waited the results of the speculation to remit to them the title of Fellows of Merit of the Royal Patriotic Society of Havana, in conformity to one of the provisions of the annual programme of premiums. The proceeding continued, the Secretary read a communication from a friend, Don Pedro José Morillas, in which he sought that the Royal Society should beseech the Most Excellent Señor Prince of Anglona to interpose his mediation with the Most Excellent Señor Superintendent-General of the Royal Revenues, that he declare free from all duties on exportation, for some years, the sugars produced by white labourers; recommending him as President of the Royal Corporation of Encouragement (la Real Junta de Fomento), from which the island receives such benefit, that he stimulate the cultivation of sugar and coffee with white labourers; that they address the Patriotic diputaciones on the same particular, and offer the title of Fellow of Merit and a gold medal of the value of six ounces to whoever should present a crop of 500 boxes of sugar produced by white labourers. The meeting unanimously approved the proposition of their friend Morillas; and in regard to the premium which he mentioned, he was informed that it was included in the letter that was in the press of the Royal Patriotic Society for impression. It was determined that to these resolutions the greatest publicity should be given, to stimulate new enterprises; that, for the same end, they should be distributed to the diputaciones; and that the proposition of Señor Morillas be put in certificate to our worthy Most Excellent Señor the President, that it may have the ordinary course, as the Patriotic body hope, from the well-known intelligence of His Excellency, that he would give it his powerful assistance.

"In conformity to the resolutions to which this reference is made, and which are detailed in the ninth book of the acts of this corporation, to which I refer, and complying with the resolution, I deliver the present, visaed by the Director, and sealed with the arms of the Royal Patriotic Society.

"Approved, JOSE DE LA LUZ, *Director.* (L.S.)
ANTONIO BACHILLER.

"Havana, February 5, 1841."

No. 150.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, March 18, 1841.*

MY LORD,

(Received April 26.)

WE have the honour to report that on the 7th instant his Excellency Don Geronimo Valdes arrived here, to assume the office of Captain-General of the island, to which he was appointed by the Provisional Regency of Spain on the 5th November last. On his arrival, his Excellency having duly notified to us his assuming the command, and named yesterday, the 17th instant, for our introduction to him, according to usual practice, we accordingly had then the honour of being presented, for the purpose of producing the commissions by which we are appointed to act here, on the part of Great Britain, under the treaty with Spain for the suppression of Slave Trade. His Excellency received us with every consideration, and assured us that under his government the provisions of the treaty should be "religiously fulfilled." From the high character of his Excellency, and the nature of the announcements he has made of his intended policy, there is certainly arising a great alarm among the slave-dealers, and therefore we hope that the promises given us may be more honourably observed than were those of his predecessors. One adventure that was about to be made has, we have heard, been withdrawn; and M. Forcade is, it is said, using extraordinary haste to despatch three small vessels, to have them returned before the time after which the Captain-General has pledged himself that he will rigorously punish every infraction of the law. We regret to learn that these three vessels are to sail under circumstances that afford us no feasible grounds for denouncing them.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.*The Right Hon. Viscount Palmerston, G.C.B.,*
&c. &c. &c.

No. 151.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 1, 1841.

WITH reference to my previous despatches to you respecting the African negroes found on board the Spanish ship "*Amistad*," I herewith transmit to you for your information a copy of a despatch which I have received from Her Majesty's Envoy to the United States of America, stating that, by a decision pronounced upon this case in the Supreme Court of the Union, those negroes are declared to be free men, and all claim against them is dismissed.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 151.

Mr. Fox to Viscount Palmerston, March 9, 1841.

(See Class D.)

(Extract.)

No. 152.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, March 31, 1841.**(Received May 13.)*

WE have the honour to enclose copies of a letter we have received, dated the 24th instant, from Her Majesty's Superintendent of liberated Africans, and of our answer thereto, respecting his disposition of the survivors of the negroes taken on board the Spanish slave-schooner "*Segunda Rosario*," and liberated by decree of the Mixed Court of Justice on the 18th February last. From the former letter your Lordship will perceive that, of the 279 surviving, 275 were sent to Nassau, who all arrived there safely and well; and that three others, who were ill when their companions sailed, were afterwards, on becoming sufficiently convalescent, removed by the packet to Honduras, leaving one sick man still on board the hulk "*Romney*."

First Enclosure in No. 152.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 24, 1841.

I HAVE the honour to acquaint you that, having consigned 275 of the surviving Africans of the "*Segunda Rosario*," including the whole of the females, to the care of the Governor of the Bahamas, I have now received a despatch from his Excellency, acquainting me that they have all arrived in safety at Nassau.

Of the four sick men who remained on board the "*Romney*," I sent three, as soon as the progress of their recovery permitted their removal, to Honduras, to the care of Colonel M'Donald; the fourth and last, Mauricio, No. 205, is still on board Her Majesty's ship.

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

I have, &c.
 (Signed)

D. TURNBULL.

Second Enclosure in No. 152.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, March 25, 1841.

WE have the honour to acknowledge the receipt of your letter of yesterday's date, informing us of your having sent to Nassau 275 of the Africans found on board the "*Segunda Rosario*," and of their safe arrival at that place; also of your having subsequently sent to Honduras three others, who were left sick on board the "*Romney*" when the 275 sailed for Nassau, and that one sick man yet remains on board the "*Romney*."

We have, &c.
 (Signed)

J. KENNEDY.
 C. J. DALRYMPLE.

David Turnbull, Esq.
&c. &c. &c.

No. 153.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, April 14, 1841.**(Received May 13.)*

MY LORD,

WE have the honour to enclose Copies of a Letter from the Captain-General of the Island, with the answer thereto, dated the 12th of April instant, communicating the information that His Excellency Don Juan Montalvo, late Commissioner of Arbitration on the part of Spain, in the Mixed Court of Justice at this place, had resigned that office, as well as declined the office of Judge, vacant on the retirement of the Conde de Fernandina. The Captain-General observes, that the two appointments will be, in consequence, discharged according to the directions of the Treaty, until Her Majesty shall determine otherwise.

(Signed)

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

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

First Enclosure in No. 153.

(Translation.)

*The Captain-General to Her Majesty's Judge.**Havana, April 12, 1841.*

SIR,

UNDER this day's date I write to His Excellency Don Juan Montalvo as follows:—

“Most Excellent Sir,—I have received the official note which your Excellency has been pleased to address to me from your estate of San Ignacio, under date of the 17th of last month, explaining the powerful motives which prevent you not only from accepting the appointment to which you were named by His Excellency my predecessor, of Spanish Commissary Judge in the Mixed Court of Justice for the adjudication of captured slave-vessels, but also of continuing the duties of Arbitrator in the said tribunal. In reply I inform your Excellency that I accept your said resignation.”

I transcribe the above for your information, it being understood that the said appointments will in consequence be filled up in accordance with the Treaty, until Her Majesty shall determine otherwise.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Second Enclosure in No. 153.

*Her Majesty's Judge to the Captain-General.**Havana, 13th April, 1841.*

MOST EXCELLENT SIR,

I HAVE had the honour to receive your Excellency's letter of the 12th instant, informing me of the resignation by his Excellency Don Juan Montalvo of his office as Arbitrator, on the part of Spain, in the Mixed Court of Justice, and also of his declining to act as Judge in the same Court, to which office he was nominated on the resignation of the Conde Fernandina by your Excellency's predecessor.

Your Excellency further informs me that the two appointments will in consequence be discharged in accordance with the Treaty, until Her Majesty determines otherwise.

In answer, I beg to return my due acknowledgments, and will take the earliest opportunity of reporting the above communication to Her Britannic Majesty's Government.

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

I have, &c.

(Signed)

J. KENNEDY.

No. 154.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, April 14, 1841.**(Received May 13.)*

MY LORD,

DURING the last month we understand there were two vessels arrived here with negroes from the coast of Africa, but we have learned particulars only of one, which landed a cargo of about 345, a few miles from this place, on or about the 17th of the month. During the same period we have ascertained that only one was despatched hence, avowedly for the coast of Africa, viz., March 31st, for Loanda, Portuguese schooner “*Astrea* ;” but there was one, if not more, despatched ostensibly for other places, under circumstances which give reason to suspect they were intended for Slave Trade.

The known character and opinions of the present Captain-General, Don Geronimo Valdes, we are glad to observe, are working a favourable result for the policy of Her Majesty's Government, and that a strong memorial is in course of signature by the principal Creole inhabitants of the island and others, calling on him entirely to suppress the traffic, in conformity with the law. This step, we may be assured, would not be taken, unless it were understood that it would not be unacceptable, as assisting the attempts of the Government.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 155.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 24, 1841.

I HEREWITH transmit to you, for your information and guidance, a Copy of a Letter which, by my directions, has been addressed to the Secretary to the

Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade.

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

I have, &c.
(Signed) PALMERSTON.

Enclosure in No. 155.

Viscount Leveson to Sir John Barrow, May 18, 1841.

(See No. 25.)

No. 156.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, April 26th, 1841.

(Received July 2.)

MY LORD,

WE have the honour to enclose your Lordship a Copy of a Letter we have received from the Captain-General, informing us of his having appointed the first Lieutenant-Governor to act as Judge on the part of Spain in the Mixed Court of Justice, until the further pleasure of the Government of Her Catholic Majesty be ascertained.

The Treaty on this point (Annex B. Article IX.) stipulates that "in case the vacancy be that of the Spanish Judge his place shall be filled by the Spanish Arbitrator, and either in that case or in the case where the vacancy be originally that of the Spanish Arbitrator, the place of such Arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same and by the Secretary of the Government."

No provision, however, is made for the event of vacancies of both Spanish Judge and Arbitrator, and the authorities here have, upon consideration of the question, come to the conclusion, that the Captain-General had the power of nominating his first Lieutenant-Governor to act as Judge. Should any doubt be entertained on this point, we trust no inconvenience will arise, as we understand that recommendations have been forwarded to Madrid with the names of persons who have accepted the nominations as Commissioners on the part of Spain, the Marques de Esteva, who is also a Count of the Holy Roman Empire, and a nobleman of great wealth and consideration, having consented to take the appointment of Spanish Judge.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c. &c. &c.

First Enclosure in No. 156.

(Translation.)

The Captain-General to the Mixed Court.

GENTLEMEN,

Havana, April 19, 1841.

UNDER this date I have communicated to the First Lieutenant Assessor-General of Government the following:—

The situation of Commissary Judge in the Mixed Tribunal of Justice being vacant by the resignation of his Excellency the Conde de Fernandina, I have thought proper to nominate you, provisionally, to the said post, until the resolution of Her Majesty be known in accordance with the Treaty, by reason of his Excellency Don Juan Montalvo having also resigned the situation of Commissioner of Arbitration.

God preserve you many years.

The Commissioners of the Mixed Court of Justice.

(Signed) GERCNIMO VALDES.

Second Enclosure in No. 156.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, April 21, 1841.

WE have the honour to acknowledge the receipt of your letter of the 19th instant, informing us

of your having nominated the First Lieutenant Assessor-General of the Government to act as Judge, on the part of Spain, in the Mixed Court of Justice at this place, provisionally, until the resolution of Her Majesty be known, in accordance with the Treaty, upon the resignation of their offices respectively by their Excellencies the Conde de Fernandina and Don Juan Montalvo.

We have, &c.

(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

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

(Extract.)

No. 157.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 5, 1841.

(Received July 2.)

WE have the honour to acknowledge having received your Lordship's Despatch dated the 15th of March last, favouring us with Copies of Despatches sent to Her Majesty's Minister at Madrid, and also to Mr. Consul Turnbull at this place, on the subject of the negroes emancipated under the Treaty of 1817, and desiring us to concert with this gentleman the best means of carrying into effect the wishes of Her Majesty's Government respecting those emancipados.

Your Lordship closes the Despatch hereby acknowledged by enjoining us, "as an essential part of our duty, to act always in cordial concert with Her Majesty's other functionaries in Cuba and elsewhere upon subjects connected with Her Majesty's service."

We assure your Lordship, that it has always been our anxious desire to act strictly in accordance with this injunction, and trust that our continued efforts in this respect will meet with your Lordship's approbation.

No. 158.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 15, 1841.

(Received July 2.)

MY LORD,

WE have the honour to enclose Copies of a Correspondence we have had with Mr. Consul Turnbull, on the subject of an alleged act of Slave-trading at Santiago de Cuba, under English colours. It appears that an English vessel named the "*Antonio*," the Captain's name being Wallen, came here from Liverpool by way of Santiago, and found there a small vessel under English colours, the Captain of which told him that he had, a few days previously, landed 192 Africans on the coast. Captain Wallen could neither tell the name of this vessel nor that of his informant, but described his person to Mr. Turnbull, and added that he was to come here immediately in the first steamer to Batabanò.

Under these circumstances we wrote to Captain Wallen requesting he would favour us with a call, when we learned that his informant, who called himself the Captain of the English vessel, was he believed a Spaniard, and that he could give us no further information than had already been detailed. We had, therefore, no other alternative than to write to Her Majesty's Consul at Santiago de Cuba, who, we trust, will have lost no time in investigating the matter and in reporting respecting it to your Lordship.

We have, &c

(Signed)

J. KENNEDY.
CAMPBELL J. DALRYMPLE.

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

&c. &c. &c.

P.S.—25th May. Since writing the above, we have received a letter from Her Majesty's Consul at Santiago, dated the 17th instant, enclosing us a Copy of a Despatch he had addressed to your Lordship of the 5th of April last, both

enclosed, respecting a Spanish vessel named the "*Corina*," which he concludes, and we think justly, to be the one asserted to have been there under English colours.

J. K.
C. J. D.

First Enclosure in No. 158.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Her Majesty's Consulate, Havana, April 21, 1841.

I HAVE the honour to enclose the Copy of a Minute I have just taken from the lips of Captain Wallen, of the "*Antonio*," from which you will perceive that a slaver, under English colours, has recently landed a cargo of slaves in the neighbourhood of Santiago de Cuba; and that the slave captain is probably to arrive at the Havana by the steam-boat now daily expected.

The Minute contains a description of his person; but Captain Wallen can neither communicate his name, nor that of his vessel.

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

I have, &c.
(Signed) D. TURNBULL.

Second Enclosure in No. 158.

Havana, April 21, 1841.

CAPTAIN WALLEN of the "*Antonio*" states that, having touched at Santiago de Cuba, he found lying there, a fortnight ago, a schooner under English colours, about 90 tons burthen, the captain of which had boasted to Captain Wallen that he had landed a few days before a cargo of 192 slaves from the Coast of Africa.

The schooner was painted black, the masts and yards the same, raking very much abaft, but in other respects not looking much like a slaver. Captain Wallen believes that she must have been built in some part of the British West Indies. The captain of this slaver seemed to be from 28 to 30 years of age, about 5 feet 5 inches high, very dark complexion, with crooked projecting teeth, and wearing very large and black whiskers and mustachoes, and he told Captain Wallen that he was to go to Havana by the next steamer to Batabanò.

(Signed) ROBERT WALLEN.

Third Enclosure in No. 158.

Her Majesty's Commissioners to Captain Wallen.

SIR,

Havana, April 24, 1841.

WE the undersigned, Her Majesty's Commissioners under the Treaty with Spain for the suppression of Slave Trade, request the favour of your calling at our Office, No. 4, above the Fishmarket, on Monday or Tuesday next at your convenience, between the hours of 12 and 3 o'clock, for the purpose of giving us such further information as we seek, and as you may have it in your power to give, respecting the statement you made to Mr. Consul Turnbull of slave trading at Santiago de Cuba in a vessel under English colours.

Mr. Dalrymple has twice called to see you at your consignee's without having had the good fortune to meet with you.

Captain Wallen,
&c. &c.

We are, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Fourth Enclosure in No. 158.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, April 22, 1841.

WE have received your letter of yesterday's date enclosing us a copy of a statement made and signed by "Captain Wallen of the '*Antonio*,'" to the effect "that a fortnight ago he saw at Santiago de Cuba a schooner under English colours, the captain of which had boasted to him that he had landed a few days before a cargo of 192 Africans; that the captain making this boast seemed to be from 28 to 30 years of age, about 5 feet 5 inches high, very dark complexioned, with crooked projecting teeth, and wearing very large and black whiskers and mustachoes, and that he told Captain Wallen he was to go to Havana by the next steamer to Batabanò."

You add that "Captain Wallen can neither communicate his name, nor that of his vessel."

Under these circumstances we can only request you will instruct Captain Wallen to give you, or us, the earliest information of this person's being in Havana, if he should happen to meet him again, and regret that as Batabanò is more than 18 leagues distant, and the steam-boat is probably there already, it is impossible for us to take any steps to watch his arrival by it. It is equally impossible for us to be

able to trace his arrival here by any of the conveyances upon the information given, but we should be glad to receive from you any assistance you may have it in your power to give, so as to authorize our applying to the Captain-General to have the suspected person taken and examined respecting the offence of which he has boasted.

We observe, however, that Captain Wallen does not expressly state his supposition or belief of the man being a British subject, and we cannot presume that if the fact were so, of such a cargo having been brought in an English vessel, that the English Consul at Santiago de Cuba could be either ignorant of it, or so regardless of his duties as not to have taken the proper steps respecting it.

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

Mr. Turnbull,
&c. &c.

Fifth Enclosure in No. 158.

Her Majesty's Commissioners to Mr. Consul Hardy.

SIR,

Havana, April 26, 1841.

HAVING had a correspondence with Mr. Consul Turnbull on a statement made to him of a slave-trading transaction at Santiago de Cuba under English colours, we think it right to forward you a copy of it for your information and guidance.

We are, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Mr. Consul Hardy,
&c. &c.

Sixth Enclosure in No. 158.

Mr. Consul Clarke to Her Majesty's Commissioners.

GENTLEMEN,

British Consulate, St. Jago de Cuba, May 17, 1841.

I HAVE had the honour to receive your Despatch of the 26th of last month, relative to a statement made to Mr. Consul Turnbull "of a slave-trading transaction at Santiago de Cuba under English colours."

In reply I beg to enclose the copy of a Despatch I had the honour to address to Lord Palmerston upon the 5th of April, and as the slaver described in that document agrees in every particular with the one described by the master of the "Antonio," with the exception of not being under English colours, there cannot be any doubt but that the master of the "Antonio" was either romancing or had been misinformed. In the Spanish paper "*El Redactor*," published in this city yesterday, appears a statement of vessels in port on the previous day, Saturday the 15th instant, and among others is "Polacca Española '*Corina*,' Captain Galindez."

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

I have, &c.
(Signed) CHARLES CLARKE.

Seventh Enclosure in No. 158.

Mr. Consul Clarke to Viscount Palmerston.

MY LORD,

British Consulate, St. Jago de Cuba, April 5, 1841.

I BEG leave to acquaint your Lordship that the Spanish polacca schooner "*Corina*," Felix Galindez, master, with a crew of 6 men and 3 passengers, entered this port upon the 28th of March after having landed 190 Africans of all ages in the Bay of Juragua, a little to windward of this city.

There is no slaver fitting out here at present, but there sailed last month the Portuguese schooner "*Aurelia*," Manuel de Silva, master, with a crew of 16 men, for Bissao, and the Spanish pilot-boat "*Amelia*," Cabrera, master, with about 25 men for the Canaries, Cape Verds, and Goree, each loaded with sugar, coffee, and spirits, and I have had information that their ultimate destination is the purchase of slave-cargoes.

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

I have, &c.
(Signed) CHARLES CLARKE.

No. 159.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 15, 1841.

MY LORD,

(Received July 2.)

MR. TURNBULL having been desired by your Lordship, in the Despatch to him of the 4th of March last, to concert with us as to the best means of
CLASS A.

carrying into effect the wishes of Her Majesty's Government respecting the negroes emancipated here under the Treaty of 1817, that Gentleman wrote to us on the 4th instant, suggesting the propriety of an interview, which in our answer of the same date we named for the 6th. On that day accordingly Mr. Turnbull waited on us, and we agreed to a Minute (Enclosure No. 3) as to the terms on which we should address the Captain-General in respect of the emancipados, informing his Excellency that we had received Copies of Instructions from your Lordship to Her Majesty's Minister at Madrid, demanding these emancipados to be delivered up, to be sent, if they chose it, to a British Colony; and also that we had received directions to make the preliminary arrangements for that purpose. We thought, therefore, that we should be acting in conformity with these directions, in requesting his Excellency to direct that the emancipados referred to should be brought before the Mixed Commission, for the purpose of ascertaining their present numbers and condition. This request we accordingly made to his Excellency, in our letter dated the 7th instant, Enclosure No. 4, to which his Excellency in his answer of the same date replied, that the matters evidently referred to questions yet pending between the two Governments, and that whenever these questions were settled and instructions received, he would faithfully fulfil them.

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

(Signed)

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

First Enclosure in No. 159.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, May 4, 1841.

I HAVE the honour to acquaint you that I have this day by the Packet received Despatches from Viscount Palmerston approving of the communication I made to you on the 4th of January last, respecting the emancipated negro Gabino, and desiring me to concert with you the best mode of carrying into effect the wishes of Her Majesty's Government on the subject of the removal to a British Colony of the whole of the surviving emancipados.

In furtherance of the object of this instruction, I take the liberty of suggesting the propriety of a personal interview; and if you will be good enough to signify the time and place when you yourselves are to be together, and can conveniently receive me, I shall do myself the honour of waiting on you.

I have, &c.
(Signed) D. TURNBULL.

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

Second Enclosure in No. 159.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, May 4, 1841.

WE have the honour to acknowledge the receipt of your letter of this date, informing us that you have received Despatches from Lord Palmerston approving of the communication made to us on the 4th of January last, respecting the emancipated negro Gabino, and desiring you to concert with us the best mode of carrying into effect the wishes of Her Majesty's Government on the subject of the removal to a British Colony of the whole of the surviving emancipados. In furtherance of the object of this instruction, you state you suggest the propriety of a personal interview, and request us to signify the time and place when we can conveniently receive you, and you will do yourself the honour of waiting on us.

In answer we have to observe that we also have received from Lord Palmerston copies of the Despatches addressed to you dated the 4th of March last on this subject, from one of which we perceive that his Lordship "desired you on the receipt of it to wait upon us and concert with us the best mode of carrying into effect the wishes of Her Majesty's Government on this subject, so that we may place ourselves in communication with the authorities of Cuba, and make the preliminary arrangements by which the negroes liberated under the Treaty of 1817 may be brought before the Mixed Commission, to be ultimately disposed of by you according to the intentions of Her Majesty's Government."

In accordance with these directions and your request, we beg to say that we propose meeting at our Office on Thursday next the 6th instant at 1 o'clock, when we shall be prepared to concert the best mode of carrying the wishes of Her Majesty's Government into effect, so that we may put ourselves in communication with the Authorities of Cuba, and make the preliminary arrangements by which the

negroes liberated under the Treaty of 1817 may be brought before the Mixed Commission, to be ultimately disposed of by you according to the intentions of Her Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

Mr. Turnbull,
&c. &c.

Third Enclosure in No. 159.

Minute.

WE the undersigned having this day, the 6th of May, 1841, met in obedience to the instructions received from Lord Palmerston, to concert the best means of carrying into effect the wishes of Her Majesty's Government with regard to the negroes liberated by decrees of the Mixed Court of Justice at this place, under the Treaty of 1817, are of opinion that the Commissioners should address a letter to the Captain-General, informing him of our having received Despatches from the British Government, stating that the British Government had demanded from the Spanish Government instructions to be sent out to Cuba, directing all the survivors of the negroes emancipated by decree of the Mixed Court, under the Treaty of 1817, to be brought before the Mixed Commission and interrogated whether they preferred to remain in Cuba or to be sent to a British Colony, and in case of their preferring the latter alternative, to be then delivered over to Her Majesty's Superintendent, to be removed according to his instructions. Under these circumstances, feeling assured that his Excellency will acknowledge these emancipados to be entitled to the fullest possession of that freedom which the several sentences of the Mixed Court in their respective cases decreed them, we have to request that his Excellency will give immediate orders for their being brought before the Mixed Court, for the purpose of ascertaining their present numbers and condition.

(Signed)

J. KENNEDY.
C. J. DALRYMPLE.
D. TURNBULL.

Fourth Enclosure in No. 159.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 7, 1841.

WE have the honour to inform your Excellency that we have received Despatches from Her Britannic Majesty's Government, stating that Her Majesty's Government had repeated their demands on the Government at Madrid for instructions to be sent out to Cuba, directing all the survivors of the negroes emancipated by decree of the Mixed Court of Justice, under the Treaty of 1817, to be brought before the Mixed Commission and have the alternative allowed them of remaining in Cuba or of being sent to a British Colony, at their option; and in case of their preferring the latter alternative, to be then delivered over to Her Majesty's Superintendent of Liberated Africans, to be removed according to his instructions.

Under these circumstances, feeling assured that your Excellency will acknowledge these emancipados to be entitled to the fullest possession of that freedom which the several sentences of the Mixed Court in their respective cases decreed them, we beg respectfully to request that your Excellency will give immediate orders for their being brought before the Mixed Commission for the purpose of ascertaining their present numbers and condition.

(Signed) We have, &c.

J. KENNEDY.
C. J. DALRYMPLE.

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

Fifth Enclosure in No. 159.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, May 7, 1841.

I HAVE received the communication which you were pleased to address to me under this day's date, informing me of the desire which Her Britannic Majesty's Government has reiterated to that of Her Catholic Majesty, to ascertain the wishes of the negroes emancipated by decrees of the Mixed Court of Justice, in accordance with the Treaty of 1817, as to their remaining in this Island, or being removed to an English Colony; and concluding by soliciting me to issue immediate orders for their presentation before the said Mixed Commission, for the purpose of ascertaining their actual number and condition.

It is to be inferred, from your above-mentioned attentive communication, that this subject is not yet concluded between the two governments, and in consequence that I am necessarily in want of the indispensable instructions to act upon in this affair, in any other way than has been observed until the present time, in compliance with existing regulations. As soon as I shall receive them from my government I will enter upon their most exact fulfilment with all the zeal and efficiency required by my duty and my principles regarding the faithful observance of the end to be attained by the stipulations.

With this understanding I have the satisfaction of assuring you of my personal consideration, and I pray God to preserve your lives many years.

(Signed)

GERONIMO VALDES.

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

Sixth Enclosure in No. 159.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, May 10, 1841.

HAVING addressed an official letter to the Captain-General on the 7th instant, in the terms of the minute of the 6th, we have received from his Excellency the following reply.

[See letter preceding.]

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

*D. Turnbull, Esq.,
&c. &c.*

(Extract.)

No. 160.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, May 22, 1841.**(Received July 2.)*

SHORTLY after the Captain General's arrival on the 7th March last, he publicly declared to a number of persons concerned in the Slave Trade, whose wealth gave them admittance to the government-house, that he was determined to put the treaty into strict execution. He had, at our being presented to him, declared that determination to us, though, as the same promises had been held out by all his predecessors, and flagrantly broken, we laid no stress on such professions. But from the manner in which he addressed the slave-dealers, and the consternation his address and conduct inspired, we were enabled to hope that his promises would be faithfully observed. At the same time we must in candour detail the full report of his address to the slave-dealers, telling them that, as the illicit traffic had been certainly connived at by his predecessors, he would in the same manner connive at all adventures that had now actually proceeded hence, but he would not permit any further adventures to be made, and all vessels arriving after six months should be certainly seized and confiscated.

(Extract.)

No. 161.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, May 25, 1841.**(Received July 2.)*

SOME few days since, a vessel, with about 440 negroes on board, came off the coast, and attempted to land them near Mariel, when the captain of the "*Partido*," acting upon orders from the Captain-General, had them immediately seized, and they were yesterday evening brought in here, in the "*Almendares*" steam-vessel, by an armed Spanish force, remaining of course under the charge of the local government. Of their further disposal we hope we shall be able to afford your Lordship equally satisfactory information in a future despatch.

No. 162.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, May 25, 1841.**(Received July 2.)*

MY LORD,

DURING the last month the following vessels arrived here with Africans as slaves:—

- 12th April. Portuguese brig "*Tres de Febrero*," having a few days previously landed 636 on the coast, consigned to Mazorra.
- 17th " Portuguese schooner "*Pampero*" from Rio Congo, having a few days previously landed at Mariel 457, consigned to M. Forçade.
- 20th " Portuguese brig "*Gabriel*," from Gallinas, landed at Haruja 344 belonging to Manzoneda.

In the month there appears to have been only one vessel cleared out for the coast of Africa, which having been despatched "by the captain," and not by any recognised house in the city, may probably have taken out stores for the trade.

7th April, French ship "*L'Amelie*" for Goree, besides which, however, there may have been others despatched hence for Africa, though ostensibly for other destinations, as we observe one, under the usual suspicious circumstances, despatched in this manner on the 3rd of April, Portuguese schooner "*Paz*" for Buenos Ayres.

Two vessels that were about going to the coast of Africa, intended for Slave Trade, have, we are credibly assured, been directly stopped by order of the new Captain-General, and strict orders have been given to close the public barracones. Another circumstance, showing the state of the trade, we think particularly deserving of being mentioned. Spanish dollars, which in former years at this season have been always at 8 and 9 per cent. premium, on account of their being the only medium of barter at Mozambique, are now at par, notoriously on account of all communication with that country being stopped. We feel therefore on every consideration warranted in expressing our conviction that the present Captain-General is sincerely determined to put an end to the Slave Trade.

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

(Signed)

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

No. 163.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 26, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Envoy at Madrid, enclosing a note from the Spanish minister, announcing that the Marquis de Esteva has been appointed judge in the room of the Conde de Fernandina in the Mixed Court of Justice of which you are members, and that the Brigadier Don Francisco Illas has been appointed arbitrator in the room of Brigadier Don Juan Montalvo y O Farrill. And I have to desire that you will admit these gentlemen as Commissioners with you in the Mixed Court of Justice after they shall have taken the usual and proper oaths of office.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 163.

Mr. Aston to Viscount Palmerston. Madrid, July 10, 1841.

(See Class B.)

No. 164.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1841.

I HAVE received your Despatch of the 5th of May last, and of the 15th of the same month, respecting the negroes emancipated at the Havana under the Treaty of 1817. I approve of the steps which you have taken, in concert with Mr. Consul Turnbull, for carrying the instructions of Her Majesty's Government into effect upon this point. And I herewith transmit to you, for

your information, a copy of a Despatch which I have this day addressed to Her Majesty's Envoy at Madrid upon the subject.

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

Enclosure in No. 164.

Viscount Palmerston to Mr. Aston, July 31, 1841

(See Class B.)

No. 165.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1841.

I HAVE received your Despatch of the 22nd of May last, with its Enclosures, upon the subject of the assurances given by the Captain-General of Cuba, that he was determined to carry into effect the stipulations of the Treaty between Great Britain and Spain upon Slave Trade.

And I have to observe to you that the sincerity of General Valdes in his declared intention of putting down Slave Trade will by this time have been proved by the result. No doubt can be entertained that he has a power of putting a stop to it if he will: if the Cuba Slave Trade has ceased, General Valdes will have proved himself sincere: if that trade still continues, he will have demonstrated that his professions are all as hollow and valueless as those of all his predecessors.

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

No. 166.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1841.

I HEREWITH transmit to you a copy of a Despatch and of its Enclosures, which I have received from Her Majesty's Consul at the Havana, respecting his communications to the Captain-General of Cuba upon the subject of Slave Trade.

I transmit to you likewise, for your information and guidance, a copy of the instruction which I have addressed to Her Majesty's Consul in reply.

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

Enclosures in No. 166.

1. *Mr. Turnbull to Viscount Palmerston, May 26, 1841.*
2. *Viscount Palmerston to Mr. Turnbull, July 31, 1841.*

(See Class B.)

No. 167.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, June 3, 1841.**(Received July 31.)*

MY LORD,

WE have the honour to enclose to your Lordship a translation of a memorial, forwarded hence to the Provisional Regency of Spain, by the Junta de Fomento at this place, or Board for the Promotion of Agriculture and Commerce in the Island of Cuba. This Board is in some measure connected with the local Government, inasmuch as the Intendent-General is the constituted perpetual president, but it is composed (besides its officers) of 12 members, with 12 assistants, to act each on the part of one of the principals in his absence, if necessary. These persons are nominated for two years, and chosen by their predecessors in office, so as to preserve a uniformity of opinions and a continuity of proceedings in their undertakings. The members are chosen from among the principal merchants and planters, and indifferently from Spaniards or foreigners; and as, of course, nothing can be undertaken without the sanction of the president, whatever question is adopted by the Board assumes somewhat of an official character.

The memorial enclosed appears to have been drawn up in consequence of some publications which have appeared at Madrid, advocating the abolition of slavery, and ascribed here to a native of this island at present in Spain, Don Ramon de la Sagra, who has published a work in folio, of considerable pretensions, on the history natural, as well as political, of Cuba. To the mooted question of emancipation of their slaves the memorialists declare themselves most decidedly opposed, as dangerous to the well-being of the inhabitants of the island; and they even insinuate a threat of resistance on their part if such discussions be permitted. At the same time, they profess themselves opposed to the Slave Trade, and prepared to acquiesce in its full extinction, provided the Government will carry into effect a system of colonization of whites, at the public expense, and under their superintendency.

How far, however, their professions with regard to the Slave Trade can be relied on may be judged by their defence and commendation even of the state of slavery in the island, and by their unmeasured vituperation of English policy relative to it, especially to that part of it by which Commissioners are appointed for the purpose of carrying the provisions of treaties into effect.

The prayer of the memorial has reference to four considerations as the groundwork of their representations. First.—To repress the freedom of the press at Madrid on the subject of slavery. Second.—To confine future negotiations on the subject with England to the principle of non-intervention, and that the English Commissioners now residing here be removed to exercise their functions to a place where they will be less prejudicial to the peace and well-being of the public. Third.—For the complete abolition of the Slave Trade, but that a plan of colonization of whites be at the same time decreed, confided to their charge, the expenses of which shall be defrayed from the revenues of the island before all other outlays. Fourth.—That the inhabitants would prefer any extremity rather than submit to the granting of freedom to the slaves, which measure they consider calculated to result in the loss of the island, to losing their property, endangering their lives, and subjecting them to the power of the blacks. That there were many persons in the island holding these opinions we were fully prepared to believe, but that there could be found any of the class of the present memorialists ready so boldly to express them we could not have imagined. The signatures (headed by the Conde de Villanueva, president) are those certainly of persons of the first consideration, and the document itself is said to have been drawn up by the honorary secretary, Don Antonio de Escovedo, who is one of the most active members of this community, and has since been created the Conde de Puente. These considerations, therefore, give an importance to the paper which otherwise its arguments and assertions might not deserve, and call for a proportionate notice from us in reply.

The fallacies employed for arguments in defence of the system of slavery, from the condition of the African in his own country or in this, we will not stop to consider; but the assertion that the slaves prefer remaining here to returning,

we must, as far as our experience allows, deny. We have taken advantage of every opportunity in meeting with introduced negroes intelligent enough to be conversed with on the subject, and have uniformly found them express a decided preference for their native country. Indeed it is a well-known fact that many of this class who have acquired as much as they consider wealth have returned to Africa, though it is said with uniformly evil results, having been often murdered, and always robbed of their gains on their return. This must be expected to be the case in such an unsettled state of society, constantly undergoing a change, if for no other cause than from the inroads of the slave-dealers, and therefore no favourable conclusion can be drawn for slavery from the effect. Neither will we enter upon the other deduction for slavery, from the kindly treatment which the slaves are said to receive. The fact, as a general rule, we deny; at the best they are treated not kindly, but capriciously. In the houses of the rich and the easy-tempered they may, no doubt, live easily, and be treated as any favourite domestic animal; but in the houses of the less wealthy, that is to say, in the immense majority of cases, and on the plantations under the overseers, they are treated in no other way than as beasts of burthen, and have no other consideration than that of their value.

With such compulsory aid it can be no matter of surprise that this community should be so flourishing. The great consideration is that, in addition to their rich and almost virgin soil, their very system of slavery is a robbery, not only of the services of their slaves, but also a sort of wrong towards other planters who cannot have the same advantage of compulsory labour, and therefore cannot compete with them in open markets. Labour here is in such demand that the wages of one day may suffice for the wants of the negro during a week, considering how little clothing is required, and what little shelter is necessary in a climate where people may almost be said to live in the open air. No wonder, then, that beggars are scarcely to be met with, and that trade may be flourishing, for it is almost in the nature of a monopoly. The question will be, whether this monopoly should be continued to the planters here with its present immense profits, at the expense of violating all the rights of humanity, and all the faith of treaties, by their determined adhesion to the Slave Trade.

But the memorialists profess a desire for the abolition of the Slave Trade by such means as shall be compatible with national honour, and coincident with a plan of colonization of whites, the expenses of which are demanded to be defrayed from the public revenues. This is manifestly unjust: for, if the planters require labourers, it is but right they should defray the expenses of obtaining them by lawful means; and no state would be acting wisely in interfering with the pursuits of its subjects, by giving up to a portion of them the labours of another portion, at the public expense. The memorialists, therefore, could scarcely have put forward this proposition in good faith, as they could scarcely expect it could be acceded to.

Still less can we suppose them acting in good faith in seeking to remove the British Commissioners from this place to exercise their functions elsewhere. If the Slave Trade be honestly and effectually suppressed, the functions of the Commissioners will be in abeyance, and their presence innocuous. If, however, it is still to be connived at, no wonder that their presence, operating as a check, as undoubtedly it does, on the trade, and a continual protest on the rulers who share in its profits, should be so peculiarly repugnant. There can be no doubt that the very presence of the Commissioners tends much to keep down the character of the system, and to induce the local Government to such pretended observances of laws and treaties as must lower them in their own estimation, no less than in that of the community. As an instance against them the memorialists state, that "the Commissioners had lately urged the Government to pay domiciliary visits to country-houses in the vicinity of the city, in which they supposed there were negroes recently brought from Africa." This refers to the denunciation we made of negroes being in the barracones of Misericordia and San Antonio el Chiquito, which we reported to your Lordship in our Despatch, dated the 5th of March last. One of these barracones was, we understand, in the summer months occupied by Mr. Forcade and family, and this is the only pretence for such a term being applied to barracones of notorious character, and at that time carried on in a manner so flagrantly scandalous as to excite even the indignation of the Creoles. The author of this memorial is not, as far as we have heard, in any way engaged in

the illicit traffic; but, taking an active part in several public works, and especially the railroad to Guines, upon which a very great number of emancipados and slaves are employed, he is unquestionably much interested in the continuance of the present system, in all its bearings. No wonder, then, that he should use every means to induce his brother planters to join him in his attempts to uphold it, by working, not only upon their interests in its behalf, but also on their fears. For this purpose he holds up to them the alarming consideration of those publications at Madrid, and the policy of the English Government, having a tendency to cause the loss of the island, or at least of their property, to endanger their lives, and to render them subject to the power of the blacks.

This apprehension we cannot believe any class of whites in the island seriously entertain. There is no computation of numbers of the two races that makes one exceed the other more than as 11 to 10, or as being nearly equal, while there is no half-caste population in any number to constitute danger; so that without arms, as the blacks are kept, or means of entering into combination, or intelligence to act in concert, it is impossible to suppose that the whites can have any reasonable fear of losing their lives or property, or being made in any way subject to the power of the blacks.

These considerations, which we submit to your Lordship, are of a public character. We have only one more to submit, of a personal nature, as referring to ourselves, namely, the satisfaction we feel in finding that with every manifest inclination to gather together causes of complaint, and without scruple to exaggerate even such grounds of argument as they possess, the memorialists could not, while petitioning for our removal, accuse us of any other offence than that of having urged the local Government to pay domiciliary visits to places where we were well assured of newly-introduced Africans being to be found. In the performance of this duty, whatever it might appear to be in their eyes, we rejoice to receive an admission therefore, as from the hand of an enemy, that no other allegation can be produced against us, and that not even this one could be charged, as accompanied with any excess of our duties, or with any infringement of that respect to the local authorities which, under our instructions, we have been always most anxious to observe.

In addition to this memorial we have also the honour to enclose one from the Ayuntamiento, or City Corporation of the Havana, to the Provisional Regency on the same subject, as deprecatory of any discussion of the subject of emancipation, which memorial, however, is expressed in terms not calling for any particular remark. Besides these there have been other memorials forwarded from the Tribunal de Comercio, and other parties, which, as bearing the character of proceeding from individuals, and not being of the same official nature as the others, we do not enclose, as not requiring your Lordship's attention.

We have, &c.

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

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

First Enclosure in No. 167.

Memorial of the Junta de Fomento to the Provisional Regency of the Kingdom.

(See Enclosure in Mr. Consul Turnbull's Despatch dated Havana, May 25, 1841, Class B.)

Second Enclosure in No. 167.

Memorial of the Corporation of the Havana.

(See Enclosure 2 in Mr. Consul Turnbull's Despatch above quoted.)

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 5, 1841.

(Received July 31.)

MY LORD,

In our Despatch, dated the 25th of May last, we reported our having addressed a communication to the Captain-General in respect of a vessel under Portuguese colours named the "*Paquete de Oporto*," which was said to have landed 250 negroes a short time previously at Guanima. We have now the honour to enclose the answer of the Captain-General, stating that upon examination made in that district, and from a strict search, on the vessel's arrival here, both of the vessel and her papers, no suspicions whatever arose of such an offence having been committed as alleged. We, having no further information on which we could rely than what was repeated in our communication, had no alternative than to receive as in good faith His Excellency's answer. It is possible that the negroes might have been brought for some particular plantation on the south of the island, and thus not have been heard of in the Havana market.

His Excellency at the same time informed us of a letter he had received from Mr. Turnbull of the 24th of May, in which Mr. Turnbull stated that at the time of his writing the signals at the Moro' were announcing the arrival of the "*Aguila*," after landing a large cargo of Africans; the fact being that the "*Aguila*" had some days previously been totally wrecked at Cabañas, and the negroes seized by the authorities of the district. Respecting this vessel and her cargo we beg to refer your Lordship for further particulars to a subsequent Despatch.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

Enclosure in No. 168.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, May 30, 1841.

In my letter of the 23rd instant I informed you of my having given orders the most efficacious for investigating what was the fact respecting the denunciation made by the Consul of Her Britannic Majesty, as to the disembarkation of 250 Africans, which he said had been effected at Guanima, from the Portuguese brig "*Paquete de Oporto*."

Neither from the examinations taken by the authority of that district, nor from the strict search made of the vessel and her papers in the act of having notice of her entering this port, does there appear any suspicion of her having committed such an offence; and the proofs of this which the official documents before me afford, convince me that the agents of the Consul have abused his excessive credulity relative to this class of notices, committing him to this and other errors into which he frequently runs. A very recent proof of this truth is a communication of the 24th instant, in which he says among other things "at the moment in which I write, the signals at the Moro' announce the arrival of the '*Aguila*,' another slaver, after having landed a large cargo on the coasts of the island:" the fact being that this vessel had been broken to pieces some days before opposite Cabañas, and the negroes it brought detained at my disposal.

Of which I inform you, gentlemen, in continuation of my said official letter, and repeating to you with this opportunity my personal considerations.

God preserve you many years.

Her Majesty's Commissioners,

&c.

&c.

&c.

(Signed)

GERONIMO VALDES.

(Extract.)

No. 169.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 18, 1841.

(Received July 31.)

THERE appear to have been about 7040 Africans emancipated under the Treaty of 1817 delivered over to this Government, of whom 1207 were

sent hence to the British island of Trinidad, under the special agreement on the subject. Consequently there remain about 5,800 emancipados to be accounted for. Considering that in many of the cargoes virulent diseases prevailed on their arrival, the effects of which continued to occasion considerable mortality afterwards, and that the Asiatic cholera prevailed here from 1832 to 1835 with peculiarly evil results to the coloured population, we are prepared to believe that not more than half of the Africans emancipated may after so many years elapsed be now surviving. But when we consider that of the survivors many have been by the Assignees put in the place of their other slaves who had died, or have been otherwise trepanned into positive slavery, we doubt whether more than 2000 emancipados, or one-third of the original number, may be looked for as probably to be produced. Supposing there are so many produced, it will be difficult to judge what proportion would accept the option of being removed to a British colony. Many have no doubt formed ties and associations from which they would not wish to be severed; and though all would prefer liberty here, in a community to which they have become accustomed, and the language of which they have acquired, rather than remain in their present state, yet they might not understand the superior liberty they would possess in a British colony, of which they may have heard imperfect, or perhaps even false accounts. Several hundreds of the emancipados we know remain under the immediate power of the Government, labouring on the public works, and these at least, we consider, should be unreservedly delivered up, or put in possession of that freedom which the Treaty contemplated.

We submit these considerations to your Lordship's judgment, only further adding that in our first audience with the present Captain-General, his Excellency observed that he did not apprehend there could be any difficulty in acceding to the wishes of Her Majesty's Government to have these emancipados sent to a British colony. We therefore trust that we may soon receive under your Lordship's auspices peremptory orders for as much measure of justice to be awarded as can be obtained for these unhappy victims of the Slave Trade, for whom British exertions have been made and treasure expended hitherto in vain.

No. 170.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 21, 1841.

(Received July 31.)

MY LORD,

DURING the last month, we believe, the following was the only vessel that sailed hence, intended for Slave Trade: despatched

May 12, for Monte Video, Portuguese brig "Escorpion," by the captain.

The plan of despatching slave-vessels thus, ostensibly for places in South America, appears to be now considered a necessary part of the system, not only for the purpose of maintaining a decent appearance before the public, but also to escape the rigour of the Captain-General's orders to prevent such vessels sailing for the coast of Africa. The officers of the port, who are not to be expected to prove very zealous in their obedience to these orders, will unquestionably pass these vessels despatched ostensibly for South America, as if there were no doubt of their destination for the ports designated.

Of the vessels that arrived here during the month from the coast of Africa, we have reports of the following:—

- May 3. Portuguese brig "*Trueno*," formerly the Spanish brig "*Irene*," with upwards of 400 negroes, consigned to P. Martinez and Co.
- „ „ Portuguese schooner "*Paquete de Oporto*," said to have landed 250 negroes at Guanimar.
- „ 20. Portuguese brig "*Aguila*," wrecked off Cabañas, with about 450 negroes, of whom upwards of 30 perished. The last two mentioned vessels form the subjects of previous Despatches.

Your Lordship may observe that the slave-vessels now uniformly sail under the Portuguese flag; and it may be a question whether some punishment ought not to be inflicted for the adoption of it by persons who have no right to assume it. An official notice from the Government has recently been promulgated here, communicating a Despatch from Her Faithful Majesty, that, not considering the commercial relations between Portugal and this island to require any agent here at present, Her Majesty revokes the permission given provisionally by Captain-General Ezpeleta to Don Pascual Pluma to act as Portuguese Consul at this place.

We think it deserving of mention that the naval force of this island has, within the last month, been increased by the addition of two steam ships-of-war, of about 615 tons each, and 180-horse power, mounting each five guns; so that we trust there will no longer be any pretext of insufficiency of power to protect the coasts from the landing of slaves.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 171.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 26, 1841.

(Received July 31.)

MY LORD,

WE have the honour to submit to your Lordship the case of the slave-vessel "*Aguila*," which has been brought before the consideration of the Mixed Court of Justice at this place, at the especial instance of his Excellency the Captain-General of the Island, and of which we gave your Lordship notice in our Despatch dated the 25th of May last.

It appears that on the 20th ultimo, this vessel, under Portuguese colours, on coming near the coast got on some shoals near the small port of Cabañas, which is 16 leagues from this place, where she was totally wrecked. The crew are supposed to have all got safely on shore and escaped, but about 30 negroes are said to have been drowned out of the cargo, which consisted of about 450. The remainder, 413 in number, were immediately seized by the carbineers of the Real Hacienda, a species of custom-house officers, under the Intendent-General, who had duly passed to them, as had also been passed to all the other inferior authorities of the island, strict orders from the Captain-General to put the laws for the abolition of the Slave Trade into full execution.

On this seizure being reported to the Intendent, and by him to the Captain-General, his Excellency sent the steam-vessel "*General Tacon*" for the negroes, in which they were brought here, and put into one of the barracones, now happily otherwise unoccupied, named *Misericordia*. Meanwhile his Excellency desired one of his law-officers to make a Report to him of the case, and give his opinion as to the steps which should be taken respecting it. Of this opinion, with his Excellency's letter to the Mixed Court consequent upon it, we enclose your Lordship translations, from which your Lordship will observe that after a summary report of the case, the Assessor-General advised it should be referred to the consideration of the Mixed Court, which advice the Captain-General acceded to. This was in accordance with a general Spanish rule of referring cases to tribunals which might claim jurisdiction, without prejudice, however, as an admission of right in making the reference.

Under these circumstances the Court met on the 29th of May last, when, it appearing that neither the vessel nor the negroes had been detained by parties duly provided with instructions under the Treaty to detain slave-vessels, that the wreck moreover was purely accidental, not consequent upon any chase at sea, and that the seizure was made for the first time on shore by the authorities of the country, acting under the orders of the local Government, the Court came to an immediate decision that it possessed no jurisdiction, and was not

empowered to adjudicate in the case, which was one solely to be dealt with by the laws of the country. Of the judgment based on this decision we also enclose your Lordship a Copy, and consider we need scarcely add, that it is in strict accordance with all the cases which have been decided by the Mixed Courts of Justice, requiring the detention to be made not only on the high seas, but also by especial vessels of war provided with instructions for that purpose. The Treaty never contemplated interfering with the internal laws and government of any country, or empowering the Mixed Courts to interfere in such cases.

There are several precedents in the volumes of Slave Trade Papers resembling the above, of which as the most in point we will refer to the case of the "*Carlota*," a Spanish slave-vessel, chased on shore by His Majesty's schooner "*Nimble*," and totally wrecked on the 30th of October, 1834. The crew with about 70 negroes escaped on shore, but the remainder were brought to Havana, and the survivors were decreed entitled to their emancipation by the Mixed Court. Shortly afterwards the crew and the negroes they took on shore were seized by the local authorities, and by the Captain-General, Tacon, were put at the disposition of the Mixed Court, which however declined to adjudicate respecting them, on the especial ground of their having been taken by the civil powers. This decision was approved of in your Lordship's Despatch of the 26th of June, 1835, conveying the Advocate-General's opinion on the subject, and is so much stronger than the case of the "*Aguila*," inasmuch as the wreck of the last vessel was purely accidental, and not, as with the "*Carlota*," in consequence of a chase, which might be supposed to have given the capturing cruiser the right of considering full prize all that the vessel had on board at the time of the chase.

In the Assessor's Report your Lordship will observe it asserted that the captain and crew escaped with all the papers relative to the vessel wrecked, so that nothing was known respecting her character further than that she was under the Portuguese flag. That this escape was collusive there can be no doubt, and that further evidence respecting the vessel might have been forthcoming, we can have as little; but where we were stopped at the outset by not being empowered to enter on the inquiry, we could not think it right to pursue it for collateral purposes, especially when finding the authorities in so unusual a degree ready to act with a due regard to the fulfilment of the Treaties between the two countries. Had a similar disposition been shown and course adopted with regard to the slave-vessel which fired upon the boat of Her Majesty's sloop "*Rover*," in March, 1840, wounding the lieutenant and every individual but one in the boat more or less severely, that outrage would not as to this day have remained without redress. We hail, therefore, this case as an omen of better faith intended to be kept with the British Government.

Had the Mixed Court, however, been empowered to adjudicate respecting the negroes of the "*Aguila*," by the provisions of the Treaty, it could only have decreed that they should be delivered over to the Spanish Government "to be dealt with according to the regulations and conditions contained in the Annex to the Treaty of 1835, *sub literá C.*" We therefore thought it right to address a letter to the Captain-General, suggesting to his Excellency that, though the Mixed Court was not empowered to adjudicate in their case, yet, as the negroes remained at his Excellency's disposal, they might be dealt with, if his Excellency pleased, in the same manner as if they had been liberated by decree of the Court, namely, according to the regulations and conditions contained in the Annex C. to the Treaty.

To this letter his Excellency returned an answer addressed to the Mixed Court, as if our letter had proceeded from the Mixed Court, and in terms which, coupled with opinions lately loudly expressed, that the British Commissioners had no other powers than as Members of the Court, induced us to believe that the address was so made advisedly. We, therefore, thought it right to address another letter to his Excellency, explaining that the former letter was written by us, not as Members of the Court, but in our character of Commissioners from Her Britannic Majesty, in which character we were intrusted with distinct and ministerial duties, to correspond and regulate with the local government respecting all matters arising that might affect the execution of the Treaties, or the understanding between the two high contracting powers on the subject of the Slave Trade.

To this letter his Excellency returned an answer, fully recognizing the principle we had maintained, and stating that his former letter had been addressed to the Mixed Court by mistake instead of to us. As his Excellency further informed us that he had ordered a register to be made of the negroes, and adopted other measures, conformably in substance to the directions of the Treaty, we felt great satisfaction in the result of the correspondence.

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

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

First Enclosure in No. 171.

(Translation.) *The Captain-General to the Judges of the Mixed Court of Justice.*

Civil and Military Government of the Havana.

Havana, May 28, 1841.

IN conformity with what the Third Assessor-General has advised me, I enclose to you his opinion consequent on the summary process taken in investigating the matter respecting 413 negroes who have been detained by the carbineers of the Real Hacienda, in order that you may pronounce your judgment thereon agreeably to the Treaty, hoping from the goodness of the tribunal all the despatch possible of the business, on account of the excessive expense which the sustenance and care of the said negroes is causing the Government.

God preserve you, Gentlemen, many years.
The Judges of the Mixed Court of Justice, (Signed) GERONIMO VALDES.
&c. &c. &c.

The Third Assessor-General to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 27, 1841.

THE 413 negroes of both sexes and different ages who have been forwarded from the port of Cabañas to your Excellency's disposal, by the Lieutenant Colonel Don Joaquin Calvino, aide-de-camp of your Excellency, commissioned to form this summary in consequence of the official letter of his Excellency the Intendent-General, of the 22nd instant, accompanying another from the commander of the carbineers of the same date, in which is inserted the report of the serjeant at Mariel and the officer at Cabañas, Don Juan Lunar, dated the 21st, were taken by virtue of the orders previously given by your Excellency, and circulated among them, to put down, according to the Treaty of 1835, the detestable traffic in negro slaves, and they came from a brigantine under the Portuguese flag, which was wrecked in the mouth of the said port, and whose remains lie opposite the tower of Cabañas; the captain and other officers of this vessel do not appear, nor any of the crew, nor is the consignee known, nor if there was any other than the captain himself, nor are there any claims made in respect of the detention of the remnants of the vessel, and seizure of the negroes brought in and taken from it, although it is well known and made very public, the conducting of those negroes here in the steam-boat "General Tacon," and their being under the orders of this Government, which is maintaining them at its expense, until it can form a proper determination. Such being the actual state of the matter, I am of opinion that your Excellency should be pleased to give orders to the commander of the fort at Cabañas, that he take the necessary measures for the preservation of the remnants of the brigantine, according to the charge given him by the aide-de-camp commissioned by your Excellency, and to direct him further, that if he has not already taken a survey, then that he immediately institute a survey by two skilful persons, who may be mates of merchant vessels, and in defect of them masters of coasters or other intelligent persons, that he may find in the said port, and receive their declaration and send the whole arranged with the utmost brevity; and without prejudice to this proceeding, to determine if it appertain to the Mixed Court of Justice, to send the original of this report, in order that in fulfilment of its powers it may make a declaratory proceeding conformably to the Treaty of the 28th of June, 1835, recommending in the same letter urgency in its consideration to advise your Excellency of what should be done.

If your Excellency conforms with this opinion, you may be pleased to form a resolution thereon, directing that it be promptly effected by the Secretary to the Government, and that a literal copy and certificate of the official letters of the intendent and commander of the carbineers be preserved in the Secretary's office as in all preceding cases.

(Signed) PEDRO M. F. VILLAVARDE.
His Excellency the Captain-General,
&c. &c. &c.

Havana, May 28, 1841.

I ACCEDE to the above opinion, and let it be done as is therein expressed.

(Signed) VALDES.

Second Enclosure in No. 171.

(Translation.)

*Sentence.**Havana, May 29, 1841.*

CONSIDERING the circumstances referred to in this communication, from which it appears that 413 negroes, now placed in the barracone of Misericordia, were seized by the guard of carbineers of the Real Hacienda, at the time of their landing from the vessel and boats which saved them from the wreck that the brigantine under Portuguese colours suffered, in which they came, at the entrance of the port of Cabañas, and that with regard to the provisions contained in Articles 1 and 3, and others of Annex B, to the Treaty of 28th of June, 1835, it only belongs to the Mixed Court to decide on the legality of the detention of vessels taken by cruisers, Spanish or British, appointed for the purpose of putting down the traffic in Bozal negroes, and provided with the necessary instructions to that intent, and upon the questions which arise from the taking and detention of the said vessel, the Court agrees that it ought to declare, and does declare, that it is not empowered to decide in this case, whether the seizure was well or ill made, and that abstaining, as they do abstain, from entering upon it, a respectful communication and certificate of this judgment be returned to the Most Excellent the Governor and Captain-General of the Island, that he may proceed respecting them by the Civil Tribunals, or by what other mode more fitting that may be advised in the questions arising, conformably to the laws of the country and to the understanding between the two nations.

(Signed)

JOSE M. PINAZO.
J. KENNEDY.JOSE ANTONIO VALDES, *Secretario.*

Third Enclosure in No. 171.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 9, 1841.

THE Mixed Court of Justice at this place having declared itself not empowered to adjudicate in the case of the slave-vessel "*Aguila*" and the negroes brought therein, which case your Excellency had sent to the Court for its consideration, we think it right to express our hope that your Excellency will nevertheless afford those negroes the same advantages as they would have been entitled to had they come within the adjudicating powers of the Mixed Court under the Treaty of 1835, instead of as at present appertaining solely to the jurisdiction of your Excellency's Government, namely, to direct a register to be made in which shall be entered with scrupulous exactness the names given to the negroes and the names of the persons to whose care they may be committed, for the purpose of an examination being had every six months, to show the existence of the negroes, the improvement in their condition, and the progress made in their instruction, both religious and moral, as also in the arts of life, Annex C. to the Treaty of 1835.

We think it right at the same time to disclaim making any pretension to interfere with your Excellency's regulations, and feel a confident assurance of your Excellency's determination to conduct your Government, as respecting all the unhappy victims of the Slave Trade, conformably to the wishes of the two high contracting powers.

We have, &c.

(Signed)

J. KENNEDY.
C. J. DALRYMPLE.*His Excellency the Captain-General,*
&c. &c. &c.

Fourth Enclosure in No. 171.

(Translation.)

*The Captain-General to the Mixed Court.**Civil and Military Government of the Havana.*

GENTLEMEN,

Havana, June 14, 1841.

In your letter of the 9th instant you point out to me the necessity of opening a register in which shall be scrupulously inserted the names given to the negroes brought in the brigantine "*Aguila*," and of the persons to whose charge they have been given, in order that an examination may be taken every six months, to show the existence of the said negroes and the other circumstances referred to in the Annex C. to the Treaty of 1835.

The negroes in question were emancipated by my authority, as you, Gentlemen, previously observed, and were minutely recorded with the expression of their names, filiation, and individual marks, without omitting those of the persons to whose charge they were consigned, in order that, treating them as free persons, they should teach them the doctrines of our religion, civilize them, and instruct them in mechanic duties. You, Gentlemen, were the first in one of your last communications who informed me that the negroes of the "*Aguila*" did not come within the jurisdiction of the Mixed Commission for the purpose of pronouncing their emancipation, and to this declaration nothing else could have led you but the conviction that the "*Aguila*" did not fall within the Treaty of 1835, which only speaks of captures made by British or Spanish cruisers, authorized by the instructions in due form for such purpose. This alone might relieve me from answering your invitation respecting the Annex C. of the Treaty of 1835, and from entering on any explanations. Nevertheless, I have stated the manner in which the negroes are registered, and I have to add, that the emancipados of the "*Aguila*" remain

under the protection of the Spanish Government, and shall be treated as free men in the fullest extension of the word. At the same time that I make to you this frank declaration, I shall object as little (although the Treaty does not extend to the case in question) to show you confidentially the state of the said register any day that you may wish to see it.

God preserve you many years.

The Mixed Court,
 &c. &c.

(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 171.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 22, 1841.

WE have received from the Mixed Court of Justice a copy of a letter dated the 14th instant, addressed by your Excellency to the Mixed Court respecting the negroes brought here from the brigantine "*Aguila*," which letter has been communicated to us upon the explanation given the Court that it was evidently written in answer to one we had addressed your Excellency on the 9th instant. That letter of the 9th instant we addressed to your Excellency, not as Members of the Mixed Court, but in our character of Commissioners from Her Britannic Majesty, in which character we are entrusted with distinct and ministerial duties, to correspond and regulate with the Government of this Island respecting any matters arising that may affect the execution of the Treaties, or the understanding between the two high contracting powers, on the subject of the Slave Trade.

In this character we and our predecessors have uninterruptedly been accustomed to address ourselves to your Excellency and your predecessors, independently of the Mixed Court; and our powers have been uniformly recognized without our ever before having to recur to the explanation which we feel it thus necessary to make, on account of the step which your Excellency has taken, of considering our letter of the 9th instant as emanating from the Mixed Court. This explanation we feel ourselves called upon to make in consequence of learning from the other Members of the Mixed Court that considerable misapprehension on the subject exists which ought to be corrected. We acknowledge now, as we did in our letter of the 9th instant, that the disposal of the negroes of the "*Aguila*" appertains entirely to your Excellency's authority; but as your Excellency had been pleased to send the case before the Mixed Court, which clearly had no jurisdiction over it, we thought it but right as the representatives here on the subject of one of the high contracting powers, to suggest to your Excellency that though the Mixed Court had not the power of adjudicating in the case, yet that your Excellency had the power of putting the negroes in the same position as if the Court had been able so to do, by causing the same measures to be taken on their behalf as are directed in the Annex C. to the Treaty of 1835.

Understanding from your Excellency that these measures have been substantially carried into effect and will be acted upon in future for the objects specified, we have only to offer our acknowledgments in reply, and to express our full conviction of your Excellency's determination to act in good faith for the suppression of the illicit traffic.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

Sixth Enclosure in No. 171.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, June 24, 1841.

INFORMED by your communication of the 22nd instant showing that the letter you addressed me on the 9th was not in the character of Members of the Mixed Court, but in that of Commissioners of Her Britannic Majesty, in which are intrusted to you distinct and ministerial duties to come to an understanding with this Government respecting everything concerning the fulfilment of the Treaties, I have to state to you in reply that I am perfectly agreeing in the recognition of this principle, in which the spirit itself of the Treaties consists, and in various past resolutions in force, and that it could only be by an involuntary mistake in the Secretary's Office that my letter of the 14th instant was directed to the Mixed Court instead of to you.

This mistake explained, it is gratifying to me to assure you that consequent always upon the principles of honour and good faith with which these stipulations should be observed, I shall receive with satisfaction whatever you consider proper to communicate to me relating to so sacred an object, with the distinction belonging to the double character with which you are invested.

I thank you, Gentlemen, much for the polite expression of sentiments which attribute to me determination for the most efficacious and punctual observance of the Treaties, which truths I repeat to you with the assurance of my personal consideration.

God preserve you many years.

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

(Signed)

GERONIMO VALDES.

No. 172.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 11th, 1841.

WITH reference to your Despatches of the 22nd of January and of the 15th of February last, reporting the state of the Slave Trade at the Havana in the months of December, 1840, and January, 1841, I herewith transmit to you, for your information, a Copy of a Communication which I have received from Her Majesty's Commissioners at Sierra Leone, containing some Observations upon your Despatches above mentioned.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 172.

Sierra Leone Commissioners to Viscount Palmerston, June 3, 1841.

(See No. 82.)

No. 173.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 22nd, 1841.

I HEREWITH transmit to you, for your information, 1st, a Copy of the printed Parliamentary Papers, containing an account of Captain Denman's Proceedings against the Slave Factories at the Gallinas; and, 2nd, a printed Copy of a Paper, drawn up at the Colonial Office, on the Progress of the Free System in the British West India Colonies in 1840.

I am, &c.

(Signed)

PALMERSTON.

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

First Enclosure in No. 173.

Papers presented to Parliament on Captain Denman's Proceedings in the Gallinas.

Second Enclosure in No. 173.

Memoranda on the Progress of the Free System in the West India Colonies in 1840.

I.—LEGISLATIVE COLONIES.

I. JAMAICA.

Our accounts from Jamaica, so far as they relate to the sugar crops, are unfavourable. The crop of 1839 fell considerably below the average of the four years of apprenticeship, which was itself considerably below the average of the six years preceding. The crop of 1840 appears to have been shorter still—in twelve districts out of twenty very much shorter; and even this is not expected to be equalled by that of 1841. The exact amount of the deficiency, the reports furnish no data for estimating.

With regard to the crops of 1839 and 1840, when we remember the many questions which divided the planters and labourers against each other during the apprenticeship, and the many difficulties both social and political by which the first year of freedom was embarrassed, we cannot wonder that they

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should have suffered materially. That much of the grown crop was lost for want of hands to get it in I do not believe; but it is admitted that, in the struggle to get it in, the planting, cleaning, and otherwise preparing of the field for future crops was not properly attended to; and that the consequences of this inattention, to whatever cause it may be referred—negligence, mismanagement, want of money, or want of hands—would be felt in the following years, has all along been predicted.

In the crop of 1841 the anticipated deficiency appears to be attributable entirely to the long drought with which almost every part of Jamaica has been afflicted during the last year. In the only parishes which have not suffered severely from this cause (St. Thomas in the Vale and St. John's) good crops are expected.

With regard to the general prospects of the island—accidental impediments apart—the accounts are more encouraging. Sir C. Metcalfe's circular calling for the reports from which the information in this paper is chiefly drawn was addressed not only to the senior stipendiary magistrate of each parish, but to the custos or senior local magistrate also. From many of the latter no answers appear to have been received; but if we compare the tone of those which are here with the accounts which proceeded from the same persons, or persons of the same class, the year before, we can hardly doubt that a very favourable change has taken place either in the conduct of the peasantry or in the feelings with which the planters regard them, or (which is most likely) in both.

The bargaining about wages seems to have subsided; a general rate having been agreed upon in all or almost all the parishes. The rate is not indeed uniform, being rather higher in some parishes than in others; nor has it remained constant, a change having occurred in many places—I think I may say generally throughout the island—always in favour of the labourers. In 1838, there were few districts in which the daily wages of a first-class labourer were more than 1s. 8d. currency, whilst in many places there was an attempt to keep them lower. Now, 1s. 8d. appears to be the lowest rate, and in most of the districts they are stated to vary from 1s. 8d. to 2s. 6d. But in all parts of Jamaica a scale of some sort has been agreed on, according to which the payment for work, whether done by the day or by the job, may be regulated without dispute. And by this arrangement, coupled with the substitution, which seems now to have become general, of task-work for work by the day, a fruitful source of altercation and mutual dissatisfaction has been removed.

The troubles caused by the arrangements with regard to rent, of which the former volumes of Reports were full, have not yet altogether disappeared; but I think they are gradually disappearing. The principle of charging for each house and provision-ground a fixed rent, payable by the head of each family, and independent of any condition that the occupants shall labour for the estate, is evidently gaining ground, and may be expected to gain ground faster and faster; for the superiority of this plan to that which was originally adopted almost universally—viz., of charging rent *per capita*, and either remitting it to those who worked a certain number of days weekly for the property or doubling it to those who did not, so as to make it in fact not a rent for the use of the house and ground, but a fine for not working—appears to have been proved by the results of all the experiments that have been tried. Still, however, many repetitions of the old complaints on this head occur in these Reports; and the rent question continues to be the main impediment to a good understanding between the two classes.

The natural consequence of the prevailing system was foretold long ago; the labourers, finding themselves uncomfortable as tenants on the estates, would buy plots of land and establish themselves as independent freeholders. The tendency in this direction was manifest from the first; and their progress in it forms the most novel and interesting feature in these Reports; though the information they convey does not enable me to explain with any clearness, or even to conjecture with much confidence, either the rate at which the change is proceeding or the consequences which may be expected from it.

One thing seems to be generally observed and admitted:—throughout Jamaica, it is an object of ambition with the peasantry to possess cottages and gardens of their own. But the facility of attaining the object and the strength of the desire vary (as might be supposed) very widely, according to the quantity of land offered for sale, and according to the more or less easy conditions of tenancy in the estates. In some places abundance of land is thrown in their way at prices which very many can afford to give; in others, where no land is to be purchased in the neighbourhood, their dependent condition has exposed them to so much annoyance that they will remove to distant places rather than remain where they are. In one or two (and I think only in one or two) districts many of them have returned to their former abodes, having tried the other condition and found it less comfortable. It may be stated, however, generally that the process is going on to some extent everywhere; and in the large majority of parishes it is spoken of as rapid and rapidly increasing.*

What proportion the number of these new freeholds bears upon the whole to the entire labouring population, I can find no data for ascertaining within any definite limits; but besides a great many scattered houses in the neighbourhood of the estates or along the public ways, there are numerous clusters of them in various parts of the island large enough to be spoken of as towns or villages.

Whether the lots ordinarily purchased are of sufficient value to entitle the purchasers to a vote for members of Assembly, is a point which very few of the writers have adverted to; but the two or three who have, say not. The lots are said to be generally small (from an acre and a half probably to three acres) and the lands unproductive.

Of these changes the *immediate* effect has been in most cases, though not in all, to reduce the supply of labour available for the work of the estates: nor could it well have been otherwise; for at first the new freeholders must have been naturally employed, and must have had enough to do, in building their cottages and preparing their grounds. What will be the *ultimate* effect is a matter of dispute, upon which experience has not yet had time to throw much light, and people's opinions are of

* The number of freeholders assessed as holding freeholds under 40 acres, was in 1838, 2014; in 1840, 7848; increase, 5854. (See Sir C. Metcalfe's Despatch, No. 144, Dec. 14, 1840.)

little value. On a particular point like this, each man's opinion will follow his general anticipations of evil or good to result upon the whole from the new state of things, and will be determined by them. If he has been accustomed to think that emancipation will injure the interests of the planter, he will think that the establishment of the labourers as freeholders will deprive the planter of their services; if, on the contrary, he has been accustomed to think that the interests of the planter will in the end be benefited by emancipation, he will think that these freeholders will in the end turn out the most effective labourers. In the mean time, one fact, important though not conclusive, may be gathered from these Reports. In several instances it is distinctly stated upon what appears to be sufficient authority that estates in the neighbourhood of new settlements have already felt the benefit of them in an increased supply of labour. And the natural and reasonable opinion seems to be that as soon as the labourers have settled themselves in their new abodes, and still more as soon as either their grounds shall be exhausted (which some persons think will generally happen in two or three years), or a glut of provisions in the market shall bring down the value of the produce, they will again resort to the estates for work; preferring of course the nearer to the further off, the former of which will consequently thrive at the expense of the latter. Mr. Marlton, one of the most intelligent of the stipendiary magistrates, and one in whose neighbourhood (owing probably to the general adoption of a fixed rent system without fines for absence or any other restrictions, of which an example was set in November, 1838) the progress of the labourers in establishing themselves as independent freeholders has been comparatively small,* mentions that three of the proprietors in his district have surveyed land on or near their estates and sold it to great advantage; a measure in which he thinks they will find their account, even though the purchasers should be labourers resident on the estate and paying five shillings weekly in rent. As much of their labour as these persons may be disposed or compelled to hire out, the estates will have the benefit of.† If they gave them no means of settling in the neighbourhood, they might lose them altogether. But in this matter all is conjecture, as I said.

The most marked, universal, and indisputable effect of the general change has been an increased and increasing activity in the internal retail commerce of the colony; a fact evidenced by the number of shops and small stores which are appearing everywhere, and corresponding with the increase of imports. This is on all accounts an encouraging circumstance—at once a proof and a source of prosperity. For while it shows how much the condition of the labourer is improved, it nourishes the fund by which that improvement is sustained. Much of the money spent by the proprietor in wages must no doubt return to him through the estate-store, to be paid in wages again, and to make up for deficiencies of produce. I am not sure, however, that the permanence of this internal commerce (in its present activity at least) can be safely counted on. Two causes, the one accidental and the other of doubtful duration, have contributed to its present activity: the universal drought, which, by destroying the produce of the provision grounds, has driven the people for their daily food to the small shops at which imported provisions are sold; and the large advances which I suppose the proprietors must have made to satisfy the demand for high wages. It remains to be seen how long the price paid for sugar in this country will continue, in the event of a continued deficiency of produce, to repay the proprietor for these advances. If the crops should fail to repay the outlay, less money will be paid in wages, less wages spent at the shops, less beef and ham and flour consumed by the labourers, less revenue derived from imports, and so on.

The means of education are still far from adequate; but active exertions are making to increase them in all directions. That the parents desire to have their children educated and take advantage of such opportunities as are thrown in their way, is now generally admitted. The complaint is that none of the children are doing any work for the estates; and this, I think, is also admitted on all hands. It is apprehended by many that these children, not being inured to labour in their early years, will never take to it afterwards; but I doubt whether the alarm be well founded. If a man cannot live with as many comforts as he has been used to without labouring, I question whether labour will be more irksome to him because he has been allowed to play or to go to school in his boyhood; and on the other hand, if a man find that he can have all he wants without labouring, I question whether he is more likely to continue labouring for having been compelled to labour when a boy: at all events it must be taken as it is. They prefer going to school to trashing canes and picking coffee, and their parents prefer it for them; and they must be left to do as they please.

The general conduct of the peasantry is better than it was, except that in one or two districts the domestics (who used to be reckoned the superior class) are said to be behaving very badly; but it does not appear in what way. Serious crimes are very rare, and ordinary offences on the decrease in most places.

Of the Courts of Reconciliation, which have been recently established, and are said to work promisingly, we hear nothing in these Reports. But they ought not to be passed over in a view of the progress and prospects of West Indian society under its new conditions. Among the many germs of social improvement which have developed themselves within these two first years of freedom, there is perhaps none that promises more extensive or more lasting benefit than this.

The coffee properties appear to have been doing much better than the others, and making fair average crops, or not much under a fair average. But the drought has told upon the coffee as severely, it would seem, as upon the sugar, and the most sanguine asserters of a progressive improvement in the prospects of the coffee planter are prepared for a very short crop this year.

Mr. Grant, senior stipendiary magistrate in Manchester, states a fact which contains much promise in it; a machine for peeling coffee, "which will not only effect a great saving of manual labour, but will expedite the process of manufacture, perform the operation more effectively, and save the heavy

* This is not quite borne out by the return of assessments. The number of freeholds under 40 acres assessed in St. Mary's (Mr. Marlton's district) in 1838, was 72; in 1840, 278; which is not much below the general average of increase throughout the colony. It is possible that the chief increase may have been in parts of the parish remote from Mr. Marlton's residence, or in the year before. (See No. 144, Dec. 14.)

† Mr. Robertson, Custos of St. Elizabeth, suggests, on the same principle, that the Government should establish townships in convenient places, and let lots to the peasantry.

and expensive buildings required for the rude and cumbrous machine now in general use," has been invented by a Mr. John Humble of St. Ann's. He has had to contend, according to Mr. Grant, with "strong prejudices and ridicule, and opposition and apathy, before he could obtain a practical trial for his invention." I presume, therefore, that it has been tried at last, and that the result of the trial has been satisfactory, but no further particulars are given. If there is one thing which the West India planters should desire to see more than another, it is a man making his fortune by some patent invention for the abridgment of labour.

I find among these Reports a few miscellaneous remarks and suggestions which it may be worth while to mention:—

1. Mr. Abbott, senior stipendiary magistrate in Westmorland, would have a law obliging all contracts for work to be sanctioned by a magistrate or other responsible public officer. He thinks it would have the effect of encouraging contracts of longer duration than those which are now customary. Such contracts he thinks indispensable in crop time, to prevent strikes for wages at critical moments. At present the labourers are reluctant to engage themselves for more than a day at a time, but this is because they do not yet understand the nature of a contract, and are afraid of committing themselves to some disadvantageous bargain. He thinks that the supervision of a magistrate would give them confidence to enter into contracts for longer periods, and does not seem to apprehend any difficulties in enforcing the performance of them. The head men are engaged by the year, and there are very few complaints brought against them; and indeed there is scarcely ever a charge brought either for wages or for neglect of duty, but it is found that there has been some misapprehension as to the terms of the engagement.

2. Mr. Grant, senior stipendiary magistrate in Manchester, wants a provision for "the imposition of some penalty of easy recovery, on those who have received payment for lands, with a perfect knowledge that they have not the power to make a valid conveyance." Advantage it seems has been taken of the ignorance of the peasantry, and their anxiety to purchase land, by persons who have sold them lands to which they have no title. Many cases of this kind have been brought before the authorities, "but there is no legal remedy or protection from the imposition."

3. There appear to be some defects in the Petty Debt Act.

Mr. Marlton observes that "no maintenance was provided by it for persons confined under its provisions, who were without the means of sustenance," in consideration of which he took upon himself, as Inspector of Prisons, to order such persons an allowance of 2s. 6d. daily.

Mr. Gurley quotes another clause as objectionable, by which it is provided that "no defence shall be admitted on the hearing before the justices, unless notice in writing shall have been given to the plaintiff, at least two days before the hearing of the same;" a condition (he adds) totally out of the power of the ignorant to comply with.

Mr. Marlton further complains of the inconvenience arising from a difference of opinion as to the tenure of houses and lands on the estates. The planters would have it that the agreement to pay 5s. weekly makes the tenancy a weekly one, to be given up at a week's notice. Professional opinions are stated to be divided on the point. Mr. Marlton wants a law to define such questions so as to satisfy both parties.

Other reforms, he says, are wanting in the administration of justice by the Petty Courts; upon which, unless this should be effected by the Judiciary Bill, he will submit a special report.

The peasantry are said to have suffered a great deal by the trespassing of cattle, which has become more frequent owing to the want of proper fences, which were unnecessary during the times of slavery, because there were always plenty of slaves too infirm for field-work, and they were used as watchers. Watchers are now not to be had, or are thought not worth their wages; it seems, at any rate, that much fewer are employed. The consequence is, that the grounds of the tenantry on the estates are left without any sufficient protection, and the tenants themselves without any available redress; the redress is tedious and expensive, and the new Pound Law has deprived them in a great measure of the only protection which the former law afforded them—that of impounding stray cattle. This cannot now be done without an order in writing,* which (according to Mr. Gurley) very few of the labouring class can make; so that generally the trespassing animal cannot be impounded except with the assistance of the owner, or the owner's servant or neighbour. Besides (adds Mr. Gurley) the poundage is so trifling that it is not worth the journey.

I believe the amendment of all these Acts is under the consideration of the Jamaica Legislature.

II. WINDWARD ISLAND GOVERNMENT.

Barbadoes.

We have no reports from Barbadoes of recent date, bearing on the general condition of the colony. The records of the Assistant Court of Appeal, which are regularly transmitted, show that the number of complaints brought before the Police Magistrates is not considerable, and that the number of decisions appealed against bears a very small proportion to the whole. In this department everything appears to be working smoothly; the Appeal Court continues to give satisfaction, and the newly established Courts of Reconciliation will no doubt be another great advantage.

With regard to the general working of the new system and its effects upon the cultivation of coffee and sugar, I apprehend that the chief difference between Barbadoes and the other sugar-growing colonies in the West Indies will be found to be, that Barbadoes is more thickly inhabited, that it possesses a larger and a superior class of resident gentry, and that the means of education and religious instruction are more widely diffused than elsewhere; Antigua, standing nearest to it in these respects, and in the last-mentioned perhaps above it.

The general arrangements appear to be much the same as in other places. The labourers are allowed the use of a cottage and a spot of ground (about a quarter of an acre generally) rent free. But in return they are expected to work regularly for the estate; if they do not, they are either ejected by summary process,† or charged a certain sum, which is called rent, but which is really neither more nor

* The order in writing has been dispensed with, by an Act just received.

† In the Reports from which I have drawn these particulars, (which are not however of recent date,) ejections are distinctly stated to have taken place. But it does not appear that the police magistrates had been usually appealed to in such cases. In one of the districts it was expressly said that "the planters had

less than a fine for absence. They work under verbal agreements from day to day; and the ordinary rate of wages is about 1s. sterling for a day of eight or nine hours; not so high as in Jamaica. Task-work is hardly anywhere resorted to. The labourers are perfectly quiet and peaceable; and though the police magistrates (who are most of them planters) do not give them a high character for industry or regularity or duty to their superiors, the main fault imputed to them comes, I think, to little more than this—that they have no abstract love of field labour, and no such solicitude for their master's interests as should induce them to work harder on his account than they need to do on their own. It seems, however, to be universally admitted that they are raising their scale of comforts and improving in their habits and tastes; and that they supply themselves with the means of satisfying their new wants by fair working at no extravagant rate of wages.

Far, indeed, as the conduct of the negroes and the progress of cultivation may fall short of the planter's estimate of what it ought to be, it seems to be generally acknowledged that the new system works better than the old; and when we look to the return of exports and compare it with the prices of sugar, it must be concluded that Barbadoes is in a highly prosperous condition. For the five years ending in 1834, the average of sugar annually exported from Barbadoes was 445,461 cwt. For the five years ending in 1839 it was no less than 496,673 cwt. The last crop, it is true—that is, the produce of the first year of freedom—fell somewhat short of the average of the four preceding years of apprenticeship. But on referring to the English Custom House Returns, I find that it was larger than the average of the last six years of slavery.

The crop of 1840 was expected to be short, in consequence of the drought; but the preparations for the year after were extensive and promising. I cannot, however, find any detailed information with regard to this Colony of later date than November, 1839.

St. Vincent.

Our information from St. Vincent's is neither full nor recent. Up to August, 1839, the want of steady labour was much felt, and the crop was very deficient. At that time the operation of the Apprenticeship Abolition Act ceased, and it became necessary to make some fresh arrangements with regard to the tenure of the houses and provision-grounds. It does not appear, however, that any material change took place. Generally, the labourers were allowed to occupy the houses rent-free on the understanding that they should work for the estate for wages, at the rate of 8*d.* sterling for nine hours. On these terms they were working, on "implied monthly hirings," but without any regular agreement. From this time, (from whatever cause,) a gradual improvement was observed in their conduct; which led some of the planters (and especially the members of the Agricultural Society) to think favourably of the prospects of the island. In a memorial dated the 15th of December, 1839, (the object of which was to recommend some legislative measure for compelling the children to work.) they enclosed returns from seventeen sugar estates, showing that, on a comparison of 1838 with 1839, there was a considerable increase in the quantity of the land under cultivation; and, after noticing the progressive improvement of the peasantry in steadiness and good feeling, and the gradual return to the estates of those who had gone away, they express a hope that, although the crop of 1840 will fall below the average,* that of 1841 "may be such as to remunerate the planters, and also to prove that the expectations they have been sanguine enough to maintain have not been fallacious."

Along with this memorial the Lieutenant-Governor forwarded returns from six sugar estates, showing the expenditure and the receipts during the years ending August 1, 1838, and August 1, 1839. On four of these estates the crop of 1839 fell considerably short of the previous one; in one it was equal; and in another it was larger. Taking one with another, the net profits of the first year of freedom exceeded by about one-fifth those of the last year of apprenticeship. But this is owing to the price of sugar having increased by nearly half; for the expenses of cultivation have been in all these cases very considerably increased, and, putting them all together, have nearly doubled. The result therefore cannot, I fear, be regarded as very encouraging: it shows only that, at the existing price of sugar, the planters in St. Vincent need not be ruined; but it carries no evidence of the existence or of the prospect of any source of secure and permanent prosperity.

Tobago.

There was an abundant crop in Tobago in 1839; but for want of labour it was not all got in. In September, uncut canes were still standing in the fields, which the planters had given up all hopes of saving. As it was, however, more sugar was made than in the previous year by about 1000 hogsheads, one-fourth of the whole. But unfortunately all the labour that was procurable was employed in the endeavour to secure as much of the crop as possible, to the great neglect of all necessary preparations for the next; in consequence of which, and of the drought, a very short crop was expected in 1840.

A considerable number of the labourers left the estates on the dissolution of the apprenticeship, and do not appear to have returned. Since that time I do not find that the number of hands has been materially reduced. The children, as in other places, had withdrawn entirely from labour. The number of complaints brought before the magistrates was fewer; and some progress had been made in the establishment of schools; though the number both of schools and of clergymen was very insufficient.

No reports appear to have been forwarded from the stipendiary magistrates in Tobago. These particulars I find in the speeches and addresses interchanged between the Lieutenant-Governor and the Legislative Houses, on the opening of the Sessions.

Grenada.

On the 3rd of February, 1840, Lieutenant-Governor Doyle, in reporting his intention to avail himself of the leave of absence granted him by the Marquis of Normanby, observes that "the present state of the colony is entirely satisfactory. Both employers and labourers evince an improved spirit in their mutual relations with each other. The peasantry are working well for fair wages, and are con-

generally effected the ejection themselves." I suppose the proprietor ordered the tenant to quit, and the tenant did not think of disputing or resisting, which he might legally have done. According to the opinion of the Crown lawyers, the occupant of a cottage on the estate is to be regarded as a tenant at will holding over, and can be ejected only by an action at law. Of this right of resistance the peasantry are probably not aware, or have not yet learned to exercise it. I have not seen any instance quoted of either kind; either of an ejection effected by action at law, or of resistance offered to an illegal ejection.

* St. Vincent suffered from the great drought like other places.

ducting themselves with propriety. In short, matters are settling down quietly to their proper level. I have therefore no anxiety upon my mind that my temporary absence will be attended with any inconvenience."

This is the latest and indeed the only account I can find of the general condition of Grenada. No magistrates' reports have been received; nor even copies of the Lieutenant-Governor's speeches on opening the Sessions and of the addresses of the Legislative Houses in answer.

The general character of the peasantry is alluded to, in passing, in Mr. Stipendiary Justice Jephson's report on the condition of some Maltese immigrants, dated October 8, 1840. He describes them as "the most peaceable, orderly, and well-disposed peasantry in the universe;" "the most cleanly of all he ever saw, and the nicest about their persons;" and while he regrets that they should be exposed to the contamination of these Maltese, (who have been selected without any care for character,) adds that the negroes, however, conscious, he supposes, of the superiority they appear to possess in almost every particular, do not seem to be inclined to associate with them. "They are too anxious to elevate themselves to imitate those apparently beneath them."

The returns of sugar imported from Grenada into the United Kingdom show a considerable falling off in the first year of freedom as compared with the average of the apprenticeship, which was itself a falling off from the average of the six years preceding. Of the prospects of the crop of 1840, and of the general state of cultivation, I can find no account.

III. LEEWARD ISLAND GOVERNMENT.

Antigua.

The transition from slavery to freedom, sudden as it was, settled kindly upon Antigua. The people continued for the most part to reside on the estates as before, and to work for them at moderate wages; and whatever may have been said about the want of continuous labour, the broad result was, that the average sugar crop of the first five years of freedom ending in 1838, exceeded by about one-ninth the average of the last five years of slavery ending in 1833.

Since that time there has been a gradual improvement in the general condition of the island, but no very striking change. Offences have decreased in number, marriages have become more frequent, and concubinage more disreputable; schools and friendly societies have been extended, with good effects; the dislike to field-labour has been observed to be going off; and the children who had at first been withdrawn entirely from all work on the estates were again beginning to be employed. Imports have increased 10 per cent., and it is said that not six people in the island would have the former state of things back again if they could.

No progress has, however, been made towards an improved system of tenancy. The labourers occupy their houses and grounds as before, paying no rent, (except in so far as the value of the grounds may affect the rate of wages, which it is said to do in some places,) but remaining as tenants on sufferance; expected, while they so remain, to work for the estate, and liable, if they do not, to summary ejection.* To this system the planters persist in adhering; and I do not find that any progress has been made towards a better. It has caused a little discontent in some places; and the desire to emigrate to Trinidad, which has manifested itself from time to time, and caused considerable alarm, though it does not appear to have produced any considerable inconvenience, is supposed to be more or less connected with it. Another effect is the establishment of two independent villages; the reports of which have been uniformly favourable. The inhabitants have been behaving exceedingly well. They select their own constables from amongst themselves, and support them in the discharge of their duties. They are all either mechanics or labourers on estates, always residing on their lots; almost all legally married, and those who are not, obviously ashamed of the avowal; the majority either members of the congregation or attendants at a Moravian chapel in the neighbourhood; the children working either on the neighbouring estates or on their parents' allotments; the younger ones mostly attending school.

From these settlements the planters fear much, thinking that the labour of the inhabitants will be lost; and Mr. Walker hopes much, thinking that they will become "nurseries of labour for the whole island." Sir W. Colebrooke expects great good from them, especially as the means of developing the sense of social responsibility and self-government in the negro peasantry, and of correcting the wandering and unsettled habits which he fears that the increasing practice of employing independent jobbing gangs that go from place to place, and have no regular home, may introduce. In the mean time it is stated as a fact that by aid of labour from these villages, a neighbouring estate which had been abandoned for several years is now re-established as a sugar plantation.

Antigua, like the rest of the West India Islands, has suffered from drought during the last year; and the crops both of 1840 and of 1841 will be affected by it. The crop of 1840, however, was still expected to be an average one, at the date of the last Report (July 20).†

Montserrat.

Since the abolition of the apprenticeship, a very rapid improvement has been visible in Montserrat. About the time of the change, a little before as well as a little after, the people were a good deal unsettled, and the crop of 1840 was expected to prove a short one in consequence.‡

But ever since the settling down of the first uncertainties, the improvement, so far as agricultural prospects are concerned, has proceeded without a check; and it seems to require nothing more than a treasury better filled or better credited to effect a corresponding improvement in all other directions.

* See Note, p. 286. The reports from which I speak were written before the opinions of the Crown lawyers had been collected and communicated to the Governors. The colonial lawyers were not, I think, agreed upon the point; at any rate, their opinions had not had the effect of putting an end to this practice of summary ejection, which has prevailed, not to any great extent anywhere, but to some extent, I believe, everywhere. Whether the opinions of the Attorney and Solicitor-General have had authority enough to correct the practice, I cannot learn.

† A subsequent Report, dated October 20, states that the weather has been favourable since September; that the prospects for next year are revived; and that the current crop, it is now hoped, will not fall short of the previous one.

‡ It was also reported that the summer of 1839 was too dry.

The first step towards this prosperity was the substitution of job-work for work by the day; which, having been tried in some instances with marked success, very soon became general, and is now, I believe, universal. Since this plan was tried, I do not find that there has been any complaint of want of labour.

In September, 1839, it was observed that imports were rapidly increasing, and that the amount of money paid in wages (the rate, as I understand, remaining the same) had increased as much as 17 per cent. And in July, 1840, it was reported that on a comparison with 1836 the imports had increased nearly 24 per cent., and the exports nearly 32; that the quantity of land in tillage for sugar was nearly double of last year's; and that the crop of 1841, so far as it depended upon human industry, must be a very large one.

Mr. W. Dolly, speaking from twenty years' experience of the management of estates, declares that the new system is better than either of the former—happier for the people, more profitable for the proprietor; that the same work is now better done by one-third of the number of people; and that there is labour enough to be had in the island to keep all the sugar estates in cultivation.*

A corresponding improvement is observed in the conduct of the people, and in the anxiety of the parents to obtain for their children the advantages of education, the opportunities of which are, however, very scanty. But the attention of the managers of the Mico fund has been turned to the deficiency, and they are going to send competent teachers. Those of the peasantry who have settled upon lands of their own buying are reported to be doing very well.

The cultivation of the mulberry has been tried with good prospects of success. But there has not been time yet for the success to appear in the shape of any material results. A supply of silk-worms' eggs was produced from Europe, but they failed to hatch.

The Reports for October announce no material change.

The only drawbacks upon the prosperity of this little colony appear to be the want of reforms in the law, and the financial embarrassments which stand in the way of other improvements.

St. Kitts.

St. Kitts presents another striking instance of the good effects of the Free System. The arrangements with regard to tenancy are indeed the same as elsewhere; and have produced, in some degree (though not generally nor to any great extent), the same kind of evils. The want of a Contract Law was also complained of, and of a law for giving validity to marriages celebrated by Dissenting Ministers. But very soon after the abolition of the apprenticeship task-work seems to have been generally substituted for work by the day; and the usual good effects have followed. Whatever the cause, it is certain that a very great improvement took place in all departments during the year 1839.

The planters and labourers were going on more harmoniously; wages had risen, but not higher than the estates could afford; there was no want of labour: field work was beginning to be less disliked, and the children to work; the seasons were favourable and the crop plentiful. In the mean time, imports were rapidly increasing; taxes not too heavy, yet the treasury competent to all demands; the legislature making liberal provision for the improvement of prison discipline and the extension of education; banks established; friendly and medical benefit societies so prospering and so increasing in number, that more than one-fifth of the whole labouring population had become members of one or other of them; schools, chapels, and churches well attended; the peasantry contributing largely out of their earnings towards the building of additional ones; marriage coming into fashion, offences less frequent, the land in the finest state of cultivation, and the revenue increasing.

This favourable state of things continued up to the end of July, 1840, the date of the latest report, with only one drawback—the weather was much too dry, and it was feared that the crops would be materially injured by it.†

Among the advantages possessed by St. Kitts to which this prosperity may be partly attributed, I should have stated that the four stipendiary magistrates are all of them very intelligent and judicious officers, and that the abolition of the apprenticeship and first arrangements of freedom were conducted under the Lieutenant-Governorship of Sir H. Macleod.

Nevis.

Nevis is among the least prosperous of these islands; owing probably to its poverty. In 1839 the crop was not half so large as it should have been, considering the favourable season; only two estates got their crop completely off. The preparations for 1840 were in the mean time very deficient. And between this want of preparation and the almost universal drought the crop of 1840 was expected to fall short of the previous year's by one-third.

Everything was quiet—wages rather higher—children more disposed to work. But the tenancy arrangements were causing some dissatisfaction—emigration to Trinidad was apprehended—the means of education and religious instruction were very deficient—hospitals and provisions for the sick and infirm were wanted—there was no Friendly or Benefit Society, and no Savings' Bank. A subsequent report, dated Oct. 1, announces some improvement: continuous labour more prevalent; wants increasing daily; desire for education general; schools well attended. But the weather still very unfavourable, and the prospects of crop very gloomy.

Virgin Islands.

The report of the Virgin Islands is rather more favourable.

The want of schools is complained of, for which the legislature has made no provision; and the want of some reforms in the laws concerning cane-stealing and trespass. There was a scarcity of imported provisions—therefore a scarcity of food, for these islands are dependent for food upon foreign supplies—and the crop of 1840 was not a good one.

* The table at the end shows a great falling off in the exports of sugar for 1839. Mr. Dolly expressed these opinions in June, 1840; the rapid improvement of which he speaks had commenced about eight months before, after the sale of the crop of 1839 was decided.

† By subsequent reports, dated October 1, it appears that some rain had at length fallen, and that the agricultural prospects had been improved by it. The crop was expected to be not much less than the last. More children had engaged themselves in field labour; the schools continuing as well attended as before.

But schools were improving; the poor were provided for (4000*l.* or 5000*l.* being annually paid by the parishes on that account); offences were fewer; there was no dissatisfaction, no complaint of want of labour, and the prospects of the next crop were favourable.

The latest report (September 30) states that a Benefit Society has been formed, and that others are in progress or in contemplation; the scarcity of provisions still felt; the growing crops injured by the drought which prevailed during June, July, and August.

Dominica.

The political dissensions of Dominica and the inveterate jealousy with which the planters regard the stipendiary magistrates, together with other evils incident to the mixture of the French and English races, habits, and laws, have combined to interrupt the favourable progress of the change in this colony. But here also, during the year 1839, a decided improvement was observed. The labourers were gradually returning to more settled habits; the more general adoption of task-work was producing a good effect; the experiment of a fixed rent for definite periods was beginning to be tried; offences were growing more rare; the taste for comforts and luxuries was visibly increasing; marriages were becoming more frequent, and concubinage more disreputable; a new missionary school was established, and the existing schools were better attended; the provision grounds were in a better state of cultivation; the season was favourable, and the crop better than the average of the five years preceding; the next promised to be better still.

A subsequent series of reports, dated in the beginning of May, 1840, spoke of a continued improvement in all these particulars, except the prospects of the sugar crop, which was then expected to fall short about one-fourth—owing, I imagine, there as elsewhere, to the prevailing drought. The coffee crop had been a very good one; and the sugar crop of 1841 was reputed to be promising. Task-work had become still more general; wages had risen a little; disputes about the fulfilment of contracts had for the most part been arranged amicably. The condition of the peasantry continued to improve; the labour of children on estates was more easily obtained; the free people, who used to be too proud to work in the field, were now beginning to compete with the plantation labourers; some of the managers, instead of tempting labourers from neighbouring estates by the offer of higher wages, were beginning to give the preference to the residents on their own. New missionary schools had been established, and were working well; and the Wesleyan Temperance Societies had done much good.

Great difficulty had been experienced in obtaining for the aged and destitute the relief due to them under one of the provisions of the Abolition Act; but by the last account it appears to have been factually accomplished at last. The remaining obstructions to the prosperity of Dominica, as the want of police stations, of a provision for the payment of the constabulary force, of laws, &c., appear to lie at the door of the legislature; and much as they affect the working of the new system, cannot be considered as part of it, or as necessarily arising out of the new relations between the peasantry and the proprietary body.

The last reports (Oct. 1) announce a continued improvement in the particulars above-mentioned. The season had been favourable, and good crops were looked for.

IV. BAHAMAS.

In March, 1840, Col. Cockburn made a tour of the Bahamas. He found the inhabitants everywhere quiet and contented, and much gratified by his visit, the first of the kind.

“Of the discharged apprentices, a fair proportion was doing well;” but the “prevailing inclination to possess lands of their own at all risks and hazards had occasioned a great deficiency in the number of Creole labourers working for hire:” and some had taken possession without authority, and without means to cultivate or to pay for them. In several places, however, where they had been judiciously treated, he found large gangs working under agreements with their former owners, and both parties acknowledging their improved condition.

The liberated Africans were doing well, and more were wished for; though they do not like the sort of work (salt-raking), will not enter into any written contracts, and are but little advanced in civilization, the opportunities of which are very deficient.

The working of the salt-ponds (of which there are many in operation, and many more remaining unoccupied) is the chief business of the out-islands. With more labour at command this supply might be much increased; and there is no fear that the demand would not keep pace with it.

More clergymen and more schoolmasters are wanted.

In Colonel Cockburn's speech to the Legislative Houses on December 17, 1840, he states that tranquillity and contentment appear to prevail throughout the Colony; and that at all the salt-islands, except Exuma, the crops have been abundant, and there has been a steady and satisfactory demand for the article.”

II.—CROWN COLONIES.

British Guiana.

British Guiana flourished greatly during the apprenticeship. With prices much higher, with expenses of much greater, and with a large share of the compensation-money, they had also crops considerably larger than in preceding years,—imports increasing and the treasury filling proportionably.

The first crop after the abolition of the apprenticeship showed a considerable decrease; a decrease compared not only with the apprenticeship average, but with that of the six last years of slavery. How much of this falling off is to be ascribed to the scarcity of labour I cannot ascertain. Much of it must no doubt be charged upon the weather, which, though favourable in the early part of the season, was to hold out the promise of an abundant crop, changed in March, 1839, into a drought so excessive and lasting so long that all the trenches (by which only the canes can be conveyed from the fields to the works) dried up, and the canes were of necessity left and lost. The same cause operated of course, though in a different way, to the injury of the prospects of 1840. The drought lasted four months; the young canes wanted their proper nourishment, and, when ripe, did not yield so much as usual by one-third. The crop of 1840 must therefore, from this cause alone, be expected to be a defi-

cient one as compared with the times of slavery and of apprenticeship; though the returns for the three first quarters show an increase upon the whole over last year's; and, according to the latest accounts,* the increase upon the entire year is expected to be at least 10 per cent.

In the mean time the colony continues to be very prosperous in every way. The deficiency of the crops has been more than made up by the increased prices of sugar: the value of the next crop is estimated at 2000*l.* more than the average value of the crops for 13 years preceding; and the number of estates which have been recently sold for sums considerably larger than they were bought for, or valued at, a few years ago, appears to indicate a confidence in the stability of this prosperity among those persons who are most deeply interested in not over-estimating it. Another proof of this confidence is shown in the applications recently made by proprietors for "second depths," at a price of 1*l.* per acre, by which Governor Light calculated that the sum of 22,000*l.* might be raised. It is also stated that large sums have been laid out in the erection or improvement of cottages on the estates. Plans are in progress for the introduction of canal and trench excavators, to be worked by steam. An Insurance Company and a Steam Navigation Company have their charters under consideration. The import revenues of the colony are in so flourishing a condition, that, in spite of the stoppage of supplies, and without the aid of any taxes except the surplus customs for the six months preceding, the balance in the colonial chest at the end of the year was expected to amount to 62,000 dollars.

These are the most striking indications I have been able to find of the present prosperity and prospects of the planters. How great a reduction in the price of sugar they could bear without positive loss, I cannot ascertain; it is impossible therefore to estimate, upon any sufficient grounds, the chances that this prosperity will last. The danger, however, being apparent, and not to be overlooked, we may reasonably presume that practical planters have taken it into account, and satisfied themselves that it is small.

Of the permanence of the improvement visible in the habits, manners, condition, and prospects of the mass of the population, there is less room for doubt. By all accounts, the change for the better is universal and rapid, and apparently without any material drawback. The worst that can be said is, that the women are working much less than they used to do; that the boys and girls between ten and fifteen are mostly at school, and are afterwards brought up to domestic service or to some trade, instead of performing the light work of the estates; and that the men will not always work "when their pockets are full." But, while they *are* at work they work as well or better than they used to do, and they work enough to enable them not only to eat and drink what they like best, and to dress as well as their masters, but in a great many cases to purchase their acre of land at a cost of 15*l.*, on which to erect a cottage that will cost about 50*l.* Their provision grounds are in better cultivation than they were; the imported produce consumed by them has increased largely; money circulates more extensively; new stores have risen up in great numbers; cottages and hamlets are rising in all directions on plots of land purchased for the purpose by the labourers; marriages and births are on the increase, mortality on the decline; schools and churches more numerous and better attended, the gaols almost empty, and the Courts of Sessions have scarcely anything to do. Two or three cases have occurred in which several labourers have clubbed together and paid down large sums of money for estates with the intention to cultivate sugar on their own account; and these enterprises appear to be regarded as promising, though the fruits have not yet had time to appear.

Trinidad.

Of the general progress and prospects of Trinidad I can find no accounts. The stipendiary magistrates' reports are received regularly, but they are confined to the returns called for by Lord Glenelg, in his circular of October 1, 1838; viz., returns of all ejections sanctioned by each magistrate, of all persons convicted under the vagrancy law, of all contracts entered into between labourers and employers under the sanction of the magistrate, and of all convictions for breach of contract. These returns arrive regularly, but they are almost all blank. There is no considerable number of cases under any of the heads, and the same may be said of all the colonies in the West Indies.

The information therefore which I have been able to gather from the official reports about the general working of the Free System in Trinidad amounts only to this, that the summary powers confided to the local magistracy do not press at all heavily on the peasantry, and that there is no serious discord between the two classes; for otherwise there would be more complaints. What may be the prospects of the planters, and what change is taking place in the character and condition of the negroes, I cannot learn from the correspondence.

St. Lucia.

Short general reports have been received regularly every month from St. Lucia. The information they convey, though not ample enough to give any very distinct idea of the state of society and the system pursued, is satisfactory so far as it goes. I believe St. Lucia was, in the times of slavery, an impoverished and unprosperous colony, that it has been much refreshed by the compensation money, and is upon the whole a decided gainer by the change; I should hope also that the gain may be regarded as permanent and not accidental, inasmuch as the accidents have been rather against the colony than for it. Both the crops produced since the dissolution of the apprenticeship have been deficient, yet the opinion that the change has been of advantage to both classes appears to be gaining ground.

The labourers were some time in settling down again after the first excitement caused by the dissolution of the apprenticeship, and the consequences were felt in the crop of 1839, the shortness of which is ascribed in great measure to this cause. In the following year, though some unsteadiness was caused at one time by the competition of neighbouring proprietors outbidding each other in wages, I do not find that there was any general complaint of want of labour. The long drought fell on St. Lucia in the latter months of 1839, and spoiled the young canes; the yielding was therefore bad, but what there was was got in quite as well as in other years. There was another alarm of drought in May or June, 1840, but it does not seem to have lasted long or to have done any serious injury. During the latter months of the year the weather was very favourable, the preparations for the ensuing crop very large, and a good return expected. Mr. Bennett (special magistrate) says, that "at no pe-

* See Mr. Young's speech in the Court of Policy, January 8.

riod within the last five years had his district been in a more flourishing condition" than it then was,* viz., in July, 1840; and on the 3rd of October he writes, "Labourers and proprietors are pulling pretty well together, and I am happy to observe a great improvement in the cultivation generally, especially in the sugar estates. Now that the proprietors have to pay for labour, they take care to apply it judiciously: there is no longer that waste and negligence so visible even during the apprenticeship, and many of them are beginning to think that the enfranchisement is as great a blessing to themselves as it is to the negro population,"—a remark which, if generally true, is one of the most satisfactory I have met with; for it was in this respect that the slave-owner lay under a disadvantage, and it is in this direction that the employer of free labour must look for means to indemnify himself for the loss of those other advantages of which he has been deprived.

The conditions of tenancy appear to be generally the same as on other islands,—occupation on sufferance, without any charge for rent, but with an understanding that the occupant is to work for the property. In May an example was set of a better system,—one of the proprietors offering to let his cottages and grounds at a fair rent, independent of all conditions as to labour. But I do not find any further mention of this subject; from which I conclude that the example has not been generally followed.

The effects of freedom in the character of the negroes appear in an improved taste in dress, diet, and lodging,—in greater independence and self-reliance,—in a firmer character, less prone to suspicion, and less liable to be led astray by the example of others. In honesty they are not said to be visibly advanced; they still lie and steal.

Offences, both serious and trifling, are much fewer. The first six months after the dissolution of the apprenticeship were remarkable for a maiden assize. The latest report received states that marriages are becoming much more frequent.

Colonial Office, February 26, 1841.

Table showing the Average Quantity of Sugar imported into Great Britain.

From	During the six Years preceding the Apprenticeship.	During the four Years of the Apprenticeship.	During the first Year of Freedom.
	cwt.	cwt.	cwt.
Antigua* . . .	173,947	143,878	222,689
Barbadoes . . .	343,513	409,354	395,109
Dominica . . .	55,539	35,560	29,385
Grenada . . .	200,708	161,327	117,260
Jamaica . . .	1,362,798	1,040,070	765,078
Montserrat . . .	22,835	11,130	13,443
Nevis . . .	49,607	28,512	36,466
St. Kitts . . .	104,809	79,266	135,548
St. Lucia . . .	66,828	51,487	50,215
St. Vincent . . .	222,732	194,223	151,899
Tobago . . .	93,157	89,331	66,244
Tortola . . .	17,763	12,786	5,249
Trinidad . . .	310,797	295,787	268,669
British Guiana . . .	874,347	935,849	566,852
Total . . .	3,899,380	3,488,560	2,824,106

* No Apprenticeship in Antigua.

* A subsequent Report states that the coffee crop in this district failed—not exceeding one-fourth of the usual quantity.

No. 174.

Viscount Palmerston to Mr. Dalrymple.

SIR,

Foreign Office, August 18, 1814.

I HEREWITH transmit to you a copy of a letter and of its enclosurc, received at this office from the Colonial Department, on the subject of a number of Barbadoes negroes, who are said to be held in slavery in Surinam; and I have to desire that you will furnish me with all the information you possess respecting any British subjects held in slavery in that colony, in order that application for their release may be made to the Netherlands Government.

I am, &c.

(Signed) PALMERSTON.

C. J. Dalrymple, Esq.
 &c. &c. &c.

First Enclosure in No. 174.

Mr. Stephen to Viscount Leveson.

MY LORD,

Colonial Office, August 5, 1841.

I AM directed by Lord John Russell to transmit to your Lordship the copy of a Despatch from Her Majesty's Superintendent of Liberated Africans at the Havana, on the subject of a number of Barbadoes Negroes who are described by Mr. Dalrymple, Her Majesty's Commissioner of Arbitration; as now in Slavery in the Dutch Colony of Surinam. In submitting this Letter for the information of Viscount Palmerston, I am to request that you would move his Lordship to instruct Her Majesty's Commissioners at Surinam to institute inquiries respecting these Negroes, and at the same time to call upon Mr. Dalrymple for such information on the subject as it may be in his power to afford.

I have, &c.

The Right Hon. Viscount Leveson,
 &c. &c. &c.

(Signed) JAMES STEPHEN.

Second Enclosure in No. 174.

Mr. Turnbull to Lord John Russell.

MY LORD,

Havana, June 28, 1841.

I TAKE the liberty to enclose the copy of a Letter which I addressed a fortnight ago to Her Majesty's Commissioner of Arbitration, Mr. Dalrymple, on the subject of a number of Barbadoes Negroes, who have been described to me by that gentleman as now in slavery in the Dutch Colony in Surinam.

Since the date of that Letter I have repeatedly taken occasion to converse with Mr. Dalrymple on the subject; and having no doubt of the accuracy of his conversational statements, I have the honour to suggest that instructions might be sent to Her Majesty's Commissioners at Surinam to institute some inquiry on the subject; and that Mr. Dalrymple might be called upon officially to communicate in a written form the details which are frequently the subject of his personal observations.

I have, &c.

The Right Hon. Lord John Russell,
 &c. &c. &c.

(Signed) D. TURNBULL.

Third Enclosure in No. 174.

Mr. Turnbull to C. J. Dalrymple, Esq., Her Majesty's Judge Arbitrator.

MY DEAR SIR,

Havana, June 14, 1841.

IN the course of conversation at my house yesterday evening, you may remember that among the topics brought forward *apropos* of Henry Shirley was that of Her Majesty's subjects held in slavery in foreign countries generally; and as it appears that during your stay at Surinam you had frequent occasion to hear of such cases, to know some individuals personally, and even to employ them, I take the liberty of requesting you to prepare a memorandum of such facts as have come under your knowledge for the use of Lord John Russell, in whose department you must be sensible the greatest interest is felt on this subject.

I venture to add that from your knowledge of Barbadoes in connexion with Surinam, two places from which and to which the system of deportment was pursued with considerable activity, I have no doubt that the information at your command will be peculiarly valuable.

I am, &c.

C. J. Dalrymple, Esq.
 &c. &c. &c.

(Signed) D. TURNBULL.

(Extract.)

No. 175.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, August 19, 1841.*

YOUR Despatch of the 26th of June last, with its Enclosures, reporting the case of the slave-vessel "*Aguila*," has by my direction been referred to Her Majesty's Advocate-General for his opinion whether the Mixed Court was right in declining jurisdiction in the case; and I shall inform you of that officer's opinion on that point as soon as it shall have been communicated to me.

But with regard to your letter of the 9th of June, to the Captain-General, enclosed in your above-mentioned Despatch, I have to desire that you will forthwith write to the Captain-General, stating that you are ordered by Her Majesty's Government to demand that the negroes so wrecked in the "*Aguila*" may be given over immediately to the care of the Superintendent of Liberated Africans, as they would have been if they had been taken by a British cruizer, and emancipated by decree of the Mixed Commission, in order that they may forthwith be sent to a British colony, where their freedom will be secure; and you will state that you are instructed to make this demand because those negroes are, by the law of Spain, free men, and the Government has, therefore, no right to impose any restraint upon their personal liberty, and because it is well known to everybody that the condition of emancipados, in which those negroes appear to have been placed, differs in no essential respect from the condition of slavery, and is therefore an illegal duress upon free persons, in violation of the true meaning of a Treaty between Great Britain and Spain.

No. 176.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 20, 1841.

WITH reference to your letter to Mr. Turnbull, of the 12th of June, 1841, a copy of which was enclosed in your Despatch of the 18th of June, I have to desire that you will send to Mr. Turnbull a copy of the letter, which, in pursuance of your conference of the 6th of May with that gentleman, you addressed to the Captain-General of Cuba, on the subject of the negroes emancipated at the Havana under the Treaty of 1817; for a copy of which Mr. Turnbull applied to you in his letter of the 11th of June last.

I am, &c.

(Signed) PALMERSTON.

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

No. 177.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 21, 1841.

I HAVE referred your Despatch of the 26th of June, 1841, about the case of the slave-vessel "*Aguila*," to Her Majesty's Advocate-General, and I have now to acquaint you that officer has reported it to be his opinion that the Mixed Court was right in declining to adjudicate on the case of that vessel.

I am, &c.

(Signed) PALMERSTON.

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

No. 178.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, July 1, 1841.

MY LORD,

(Received September 2.)

IN obedience to the Act of Parliament 5 Geo. IV. c. 113, s. 75, we have the honour to transmit a List or Return of the cases which have been

adjudged in the Mixed Commission Court at this place during the six months last past.

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

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

Enclosure in No. 178.

Return of Cases Adjudged in the Mixed Court of Justice at the Havana, within the Half Year ending the 30th June, 1841.

Cases.	Date of Seizure.	Property Seized.	Tonnage per Register.	Tonnage per British Admeasurement.	Seizor.	Date of Sentence.	Decree.	Whether Property has been Sold or Converted, and whether any remains unsold, and in whose hands.
1. Jesus Maria (alias Tres Hermanas).	1840 Dec. 29	Schooner with 252 negroes.	25	34	Commander Hon. Keith Stewart H. M.'s ship "Ringdove."	1841 Jan. 13	Forfeiture.	The vessel has been broken up, and the fragments with all the articles belonging to the vessel have been sold by auction, the proceeds of which are in the hands of the Registrar.
2. Segunda Rosario.	1841 Jan. 27	Schooner with 293 negroes.	85	120	Captain A. Milne, H. M.'s ship, "Cleopatra."	1841 Feb. 18	Forfeiture.	The vessel has been broken up and the fragments with all the articles found on board have been sold by auction, the proceeds of which are in the hands of the Registrar.
3. Aguila	1841 May 20	Wreck of Brigantine with 413 negroes.	..	..	Civil authorities of the Island.	1841 May 29	That the Mixed Court had no jurisdiction in the case.	

No. 179.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, July 1, 1841.
(Received September 2.)

MY LORD,

IN obedience to the directions given us in your Lordship's Despatch of the 7th July, 1840, desiring us to transmit half-yearly returns of the number of captured Africans put on board Her Majesty's ship "Romney" during the preceding six months, we have the honour to report that during the last six months there have been 524 Africans put on board that vessel, viz., 240 of those captured in the schooner "Jesus Maria," and 284 of those captured in the "Segunda Rosario."

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

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

No. 180.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, July 24, 1841.
(Received September 2.)

MY LORD,

DURING the last month the following vessels were despatched hence, all

professedly for Monte Video, but we have no doubt whatever of their having in reality sailed for the coast of Africa, and being intended for the Slave Trade.

1st June	For Monte Video—	Portuguese brig “Gabriel.”
11th „	Ditto	Spanish schooner “Numantina.”
23rd „	Ditto	Portuguese paylebot “Paquete de Oporto.”
25th „	Ditto	Portuguese brig “Duquesa de Braganza.”

The last-named vessel is the celebrated “*Venus*,” which was, shortly after her last return, published as intended to be, a packet between this place and Santander; but the slave-dealers, seeming to have recovered from the panic caused them on the arrival of the present Captain-General, have continued their former courses. As it is manifest that the orders forbidding slave-vessels to sail hence are evaded by their being despatched ostensibly for other places, we trust some more stringent measure may be adopted to correct the evil; but it is reported that the Captain-General has already written to his Government, tendering his resignation, in which case we should doubt of any effectual measures being for some time taken to suppress the traffic.

During the month we have heard of the arrival of only one vessel, the “*Tres de Febrero*,” which is said to have landed about 500 negroes at Guanamar on the 25th of June. If this report be correct, the “*Tres de Febrero*,” which is recorded as having returned from her last expedition on the 12th of April, must have made the voyage out and back in about two months, a space of time which though not incredible, yet betokens great activity and great resources on the coast of Africa as well as here. Whether, however, from this vessel, or from some other, we have had no doubt of such a landing having been effected; and as the authorities at Guanamar seem to be peculiarly assenting to such offences, we have thought it our duty to call the attention of the Captain-General to the report, with whom our correspondence respecting it, therefore, will have to form the subject of a subsequent Despatch.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 181.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, September 3, 1841.

Circular announcing the appointment of the Earl of Aberdeen.

(See No. 36.)

No. 182.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, August 10, 1841.

(Received October 7.)

MY LORD,

WE have the honour to enclose copies of a correspondence we have had with the Captain-General of this island, respecting the landing of a number of negroes at Guanamar, on the South Coast, from the slave vessel “*Tres de Febrero*.” This landing, we were informed, was effected on the 25th of June, and the number landed was said to be 500. In this particular, however, we have since had reason to believe that it was not much more than 300, and with respect to the date also it appears there was an error, inasmuch as it was proved on inquiry that the vessel entered this harbour on the 26th of June, and therefore could not be supposed to have landed such a cargo at Guanamar on the day before. But on our information, which was evidently substantially correct, we addressed a letter to the Captain-General, representing the circumstances, and urging him to make inquiry, not through the means of the local

authorities, who would of course return a report to shield their own misdeeds, but by some officer deserving of his Excellency's confidence.

This proposition his Excellency acceded to, and informed us that the person commissioned to make the inquiry was further instructed, in accordance with our suggestions, to inquire also generally into the conduct of the local authorities at Guanimar, who, we were assured, were guilty of conniving at the conduct of the slave-traders, not only in this, but also in several other cases that had come to our knowledge.

On the 29th of July the Captain-General addressed us a final letter, stating that upon the report of the person commissioned to make the inquiry, no such landing as alleged had taken place, and that consequently no blame attached to the local authorities at Guanimar. His Excellency further informed us, of the fact of which we had been previously ignorant, that the "*Tres de Febrero*" entered here on the 26th of June, and therefore that it was humanly impossible for such a cargo to have been landed from that vessel at Guanimar the day before. This we were willing to admit, and in our answer observed, that it was impossible to suppose that our information could be obtained directly from the parties concerned, and, consequently, that it might be erroneous in minor details. But, as his Excellency added, that the "*Tres de Febrero*" had entered from San Tomé, one of the most notorious slave marts, we felt assured that our denunciation was substantially just. The very words of the report indeed, as to be judged from his Excellency's reply, afford a presumption of this fact, for though no such landing had been effected from that vessel on that particular day, yet it raises a conviction that some landing about that time might have taken place, and remained undenied.

There are now, we find, two vessels named the "*Tres de Febrero*," which both sailed hence in the last month, ostensibly for Monte Video, evidently to mislead the British cruisers, though common report ascribes their destination, and we have no doubt justly, for the Coast of Africa. As this practice seems to be new established of despatching slave vessels ostensibly for Monte Video, to evade the orders of the Captain-General forbidding the traffic direct with Africa, we have taken an opportunity of calling the attention of his Excellency to this subject, which will, therefore, have to be reported in a subsequent Despatch.

We have, &c.

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

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

&c.

&c.

&c.

First Enclosure in No. 182.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, July 12, 1841.

We have received information on which we can rely, that on the 25th of last month there were landed at Guanimar about 500 negroes from a slave vessel called the "*Tres de Febrero*," which, though sailing under the Portuguese flag, is notoriously the property of certain slave-trading parties at this place, of whom one Don José Mazorra is the principal.

For the arrival here of the "*Tres de Febrero*" we have been for some time watching; but as she has not yet entered the harbour, we suspect that the parties engaged in the illicit traffic have determined on using some of the minor ports of the island for carrying on their evil practices, where they may be removed from your Excellency's immediate supervision, and be under that of some of the inferior or local authorities, whose administration of the laws may be more accommodating to their purposes. Of such authorities, those at Guanimar evidently form the first requiring an examination into their conduct, as to how far they have lent themselves to such infractions of the law; and we therefore beg to submit to your Excellency the advisability, while inquiring into the circumstances alleged, at the same time to cause it to be made by other officers than those of the district, namely, by persons deserving of your Excellency's confidence, and who may take all the circumstances into proper consideration.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 182.

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

GENTLEMEN,

Havana, July 15, 1841.

I HAVE received your communication of the 12th instant, relative to the disembarkation of 500 negroes, which is said to have been effected at Guanimar, from a brigantine under Portuguese colours, called "*Tres de Febrero*;" and although I have no knowledge of such a circumstance, appreciating duly your communication, and the indications you have been pleased to make, I have commissioned a person of confidence to go to that point and proceed in the search, as well upon the disembarkation of negroes as the conduct of the local authorities in the case denounced, of the results of which I will give you notice.

God preserve you many years.
(Signed)*Her Majesty's Commissioners,*
&c. &c. &c.

GERONIMO VALDES.

Third Enclosure in No. 182.

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

GENTLEMEN,

Havana, July 29, 1841.

HAVING used the most active and efficacious diligence in ascertaining the certainty of the denunciation you addressed to me on the 12th instant respecting the disembarkation of 500 Africans at Guanimar on the 25th of last month, from the Portuguese brig "*Tres de Febrero*," I have before me the report made by the Commissioner I named for that purpose, and to inquire into the conduct of the local authorities of that district; and from this it results that no such landing had happened on that coast, and that no ground of blame arises against the authorities of whom it reports, as to the circumstance respecting which we are occupied.

It appears also at the same time, from the office of the captain of the port, that the "*Tres de Febrero*" entered in here on the 26th of the same month of June last, with declaration of arrival from San Tomé, and this fact alone proves the accuracy of the Commissioner, since considering the distance intervening betwixt the two ports and the situation on opposite coasts, it is humanly impossible that it could have entered here on that day, having made such a disembarkation at Guanimar on the day before. The which I have the satisfaction of communicating to you, Gentlemen, in sequence of what I stated to you in my answer of the 15th instant.

God preserve you many years.
(Signed)*Her Majesty's Commissioners,*
&c. &c. &c.

GERONIMO VALDES.

Fourth Enclosure in No. 182.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 2, 1841.

WE have had the honour to receive your Excellency's Letter of the 29th July, communicating the result of the inquiries instituted in consequence of our denunciation respecting the landing of 500 Africans on the 25th June, from the Portuguese brig "*Tres de Febrero*," at Guanimar. From those inquiries your Excellency states that it appears no such landing had taken place, observing further that the "*Tres de Febrero*" entered here on the 26th of June, with a declaration of arrival from San Tomé, and therefore that it was impossible for such a landing to have been effected from that vessel at Guanimar on the day before.

As it must be obvious that our information seldom can immediately proceed from the parties interested, who alone can be able to give it correctly, we are ready to admit that in this case there may have been an error in the date. But as the "*Tres de Febrero*" is reported at the captain of the port's office to have entered on the 26th of June from San Tomé, a notorious slave mart, surely that fact affords a strong corroboration of the charge that such a landing had been effected from that vessel a short time previously. We fear, therefore, that the allegation has not been met in the manner it should have been, and that your Excellency's desire to maintain a due observance of the laws has not in this matter been responded to proportionally.

We have, &c.
(Signed)*His Excellency the Captain-General,*
&c. &c. &c.J. KENNEDY.
C. J. DALRYMPLE.

No. 183.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, August 18, 1841.*

MY LORD,

(Received October 7.)

WE have the honour to enclose a copy of a communication addressed by

the Captain-General of the island to the Mixed Court of Justice, informing us of the Regent of Spain having been pleased to approve of the acceptance of the resignations by the Conde de Fernandina and the Brigadier Don Juan Montalvo y O'Farrill, of their respective offices as Commissary Judge and Commissioner of Arbitration, and also of his Highness having appointed to replace them, the most excellent the Marquis de Esteva and the Brigadier Don Francisco Illas, as Commissary Judge and Commissioner of Arbitration. The new Commissioners took the oaths as required by the Treaty on the 16th instant, entering on the discharge of their duties. Don Francisco Illas was formerly Governor of Santiago de Cuba, and is an officer of high consideration; of the expected appointment of the Marquis de Esteva, we have previously informed your Lordship in our Despatch, dated the 26th of April last.

We have, &c.

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

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

First Enclosure in No. 183.

(Translation.)

The Captain-General to the Mixed Court.

Havana, August 12, 1841.

GENTLEMEN,

By Royal Order of the 23rd June of this year, his Excellency the Chief Secretary of State informs me as follows of his Despatch:—

“Most Excellent Sir,—I have made report to the Regent of the kingdom of the Despatch, No. 72, of March last, in which your Excellency's predecessor communicated the resignation which the Conde de Fernandina had made of the office of Commissary Judge of the Mixed Court of Justice entrusted to him, and of your Excellency's Despatch, No. 6, of the 22d April last, stating that the Brigadier Don Juan Montalvo y O'Farrill had also made renunciation of the office of Arbitrator in the said Court, and of the charge of Commissary Judge provisionally conferred on him; for that their bad state of health did not permit either of them to continue in the fulfilment of those duties. His Highness, informed of the reasons which induced your Excellency, as well as the Prince de Anglona, to accept of both resignations, has been pleased to approve of them; remaining highly satisfied of the impartiality, rectitude, and zeal with which they have discharged the important offices committed to them. At the same time he has been pleased to appoint the Marquis de Esteva, whom your Excellency proposed, as Commissary Judge of the Mixed Court of Justice established in Havana, by virtue of the Treaty concluded with England in 1835 for the suppression of Slave Trade; and the Brigadier Don Francisco Illas, as Commissioner of Arbitration in the said tribunal, in the same manner that the other persons discharged those duties.

“By order of the Regent of the kingdom, I communicate this to your Excellency for your information and consequent measures.”

The which I transmit to you, Gentlemen, for your knowledge.

God preserve you many years.

(Signed) GERONIMO VALDES.

To the Mixed Court of Justice.

Second Enclosure in No. 183.

(Translation.)

The Mixed Court of Justice to the Captain-General.

Havana, August 13, 1841.

MOST EXCELLENT SIR,

We have received the official communication of yesterday's date, in which your Excellency has been pleased to transcribe for us the Royal Order of the 23rd June last, by which his Excellency the Chief Secretary of State communicates in his Despatch, of his Highness the Regent of the kingdom having deigned to approve the acceptance of the resignation of their Excellencies the Conde de Fernandina and Don Juan Montalvo y O'Farrill, the offices of Commissary Judge and Arbitrator of this Mixed Court of Justice, and to appoint, to replace them, the most excellent the Marquis de Esteva and the Brigadier Don Francisco Illas, of which communication we hold ourselves informed for its due fulfilment.

God preserve your Excellency many years.

(Signed) J. KENNEDY.
C. J. DALYMPLE.

(Signed) JOSE MARIA PINAZO.
His Excellency the Captain-General,
&c. &c. &c.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, August 20, 1841

(Received October 7.)

MY LORD,

DURING the last month we have not heard of the arrival of any vessel at this place from the coast of Africa, but we understand that one named the "*Estrella*" landed a cargo of negroes on the south side of the island on the 25th. We have learned also that on the 19th a schooner named the "*Aurelia*," Feliz, captain, under Portuguese colours, arrived at Santiago de Cuba, announced in the papers as from Visao, in 26 days in ballast, though having previously landed about 220 Africans in the neighbourhood.

The following vessels have been despatched hence during the month, ostensibly all for Monte Video, but we have no doubt of their being in reality intended for Slave Trade.

3rd July	For Monte Video—	Portuguese brig	"Trovao."
17th "	Ditto	Ditto	"Tres de Febrero."
23rd "	Ditto	Ditto	"Tres de Febrero."

It may be proper to repeat that there are two vessels bearing this singular name, and that they have sailed thus almost together evidently to mislead or perplex the cruizers.

The Captain-General, we are satisfied to learn, has been for some time engaged in gathering together the scattered individuals of the emancipado class throughout the island. Thirty-seven have been collected from the country round, and delivered up to the Casa de Beneficencia, in obedience to his Excellency's orders, by the Captain of the district in which we reside; and from a private letter we have received from Her Majesty's Consul at Santiago de Cuba, we learn that a number of those engaged in the copper-mines at that place have in like manner been returned, having sailed thence for Havana on the 18th ultimo. We trust these circumstances are indications of the intention of this Government, either to restore to the emancipados their full liberty, or to allow them the option of being sent to a British colony.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

(Extract.)

No. 185.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, August 25, 1841.

(Received October 7.)

WE have the honour to submit to your Lordship the enclosed copies of a correspondence we have had with the Captain-General of this island, under the following circumstances:—

On the 7th instant his Excellency addressed us a letter, informing us that he had received two communications from Her Majesty's Consul, Mr. Turnbull, stating that there were several vessels prepared in this harbour, which had sailed, or were about to sail, to be engaged in Slave Trade, and of which he specified the "*Invincible*," and several others. Upon these his Excellency observed that he had inquired into the facts alleged, and that upon such inquiry it proved there was not then, nor had there sailed hence, any vessel under the Portuguese flag, named the "*Invincible*," while with regard to the others, it was shown, that they had sailed engaged in lawful commerce for different places.

At the time of our receiving this letter from the Captain-General, we were about addressing him on the subject of so many vessels sailing hence ostensibly for Monte Video, but which were notoriously intended for Slave Trade; and we therefore, in acknowledging his communication of the 9th, and assuring him we would transmit it to your Lordship, took the opportunity of calling his atten-

tion to this evasion of his orders, which had strictly forbidden the trade with Africa. The fact seems to be, that the traders, in fitting out the vessels here, calculate on bribing some of the local authorities to allow of the negroes being clandestinely landed at a distance, as at Guanimar, whence they can be transferred readily to the different estates requiring them, and the shape of the island we need scarcely observe renders such a trade, with such local authorities, extremely easy to be carried on. Slave-vessels thus coming, upon an understanding with the people on shore, may land their cargoes with impunity, but if they happen, as in the case of the "*Aguila*," to come to where no previous concert has been had with the authorities, will probably be liable to have their negroes seized.

In our answer therefore of the 9th instant, we represented to his Excellency, that in the month of June four vessels had cleared out ostensibly for Monte Video, and three in July, all notoriously formerly engaged in Slave Trade, and by common report believed to be now again despatched with that destination; and we suggested to his Excellency that stricter orders should be given to the Spanish ships of war to search all vessels, no matter where they should declare themselves to be destined for, in order that if they were found equipped so as to render them liable to be seized under Article X. of the Treaty of 1335, then they might be brought for adjudication before the Mixed Court. We represented that the Spanish naval force was much superior to any that the British Government ever had on these coasts, and now that it was increased by two steam ships, the escape of the slave-vessels might easily be prevented. We represented also the fact, that during the twenty years that the Mixed Court has been established at this place, there has not been one case of a slave-vessel condemned captured by a Spanish cruiser, though it is well known there have been several hundreds that have sailed hence, and nearly one hundred cases of such have been actually brought before it by British cruizers, to say nothing of those taken to Sierra Leone.

These representations of ours the Captain-General transmitted to the Commandant-General of Marine, whose observations in reply his Excellency communicated to us in his final letter of the 19th, containing excuses for the inactivity of the Spanish naval force, in prosecuting the Slave Trade, on account of their having other duties to execute, to which the Captain-General added that the expenses consequent upon the keeping his two steam-ships in movement, would prevent his employing them for the same object in the present state of the Spanish treasury.

In our reply of the 21st we had it only left us to regret that any obstacles should be found existing to prevent that more active employment of the naval force of the island which we thought we had now good reason to expect. We feel assured that the slave traders never will believe the Government to be sincere in its wish to put down the trade, until they themselves make some signal example of the offenders against the laws in this particular, and we therefore will not fail to take every opportunity of impressing this conviction upon his Excellency's attention.

First Enclosure in No. 185.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

Havana, August 7, 1841.

GENTLEMEN,

ON the 31st July last the Consul of Her Britannic Majesty denounced to me that there were preparing in this port the brigantine "*Invincible*," the "*Pampero*," and other vessels intended for the Coast of Africa, and on the 2nd instant communicated the sailing of the first under the Portuguese flag, completely armed and fitted for the illicit traffic.

On those dates I forwarded both the communications to his Excellency the Commandant-General of Marine for his information, by whose authority on the 3rd and 5th instant I am assured that there does not exist, nor has there sailed, any Portuguese vessel under the name of the "*Invincible*;" that the "*Pampero*" and the schooner "*Mariana*" are at present careening, and are intended for trade with the Peninsula; and that, of the other vessels, it only appears in the office of the captain of the port, that one Spanish polacra, named "*Venus*," sailed for Barcelona, and two Portuguese brigs, named "*Tres de Febrero*," for Monte Video, with effects, passed at the Custom House, and with all the requisite precautions.

Although, notwithstanding that, from the tenor of the Treaties, I do not recognise in the British Consul any authority for these officious denunciations, and that according to this just and lawful principle I have made him to understand, both in writing and practically, that I shall not satisfy him

respecting them, I do not for this neglect to make use of what I consider conformable to the clear benefits which the two high contracting powers have proposed, and a proof are these same investigations, which I have believed fit to bring to your knowledge for the purpose of avoiding the mistaken conceptions that the vehemence with which Mr. Turnbull enters into these matters might give room for.

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

God preserve you many years.
(Signed)

GERONIMO VALDES.

Second Enclosure in No. 185.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 9, 1841.

WE have received your Excellency's Letter of the 7th instant respecting the denunciations made by Her Britannic Majesty's Consul of several vessels fitting out in this port, suspected of being intended for Slave Trade; and your Excellency is pleased to inform us of the result of the investigations made as to those vessels, on the ground of being unable to acknowledge any authority for the Consul to interfere, though anxious to avoid giving cause for any misconception in consequence. We beg to express our acknowledgments for this further proof of your Excellency's desire to carry the objects of the Treaties into due effect, and will not fail fully to represent to the British Government your Excellency's views on the subject.

We cannot, however, at the same time but regret that your Excellency's individual desire to suppress the traffic should be so ill responded to by the subordinate authorities of the island. Public rumour certainly points out a great number of vessels that have lately sailed, or are about sailing hence, as being intended for Slave Trade, though ostensibly despatched as for other places. Thus in the month of June four vessels were despatched for Monte Video, namely, the "*Gabriel*," the "*Paquete de Oporto*," and the "*Duquesa de Braganza*," under the Portuguese flag, and the "*Nu-manina*" under the Spanish, which have formerly been notoriously engaged in the Slave Trade, and are universally believed to have even now sailed with that destination. Again, in the month of July last past, three vessels have sailed under the Portuguese flag, namely, the "*Trovao*," and two under the same name of "*Tres de Febrero*," belonging to the slave-trading parties, of whom Don José Mazorra is reported the principal, respecting which the same belief is entertained. We have no doubt justly, and the very circumstance of two vessels sailing almost together under the same singular name raises a presumption against the parties of intending to mislead, if not to mock, the endeavours of the two high contracting powers to put an end to so disgraceful a traffic. In the present month we have heard of the "*Pampero*," the "*San Pedro*," and some others, as intended for the Coast of Africa; and though our information at present respecting them is too imperfect to admit of our entering into any details, we believe we can assert with perfect truth that the trade is at present going on here with undiminished force.

Under these circumstances, if your Excellency will permit us to offer any suggestion, we would beg to point out the remarkable fact, that during the 20 years which the Mixed Court has been established at this place, there has not been one slave vessel condemned captured by a Spanish cruiser. Yet during that time many hundred slave vessels have sailed from this island; and nearly a hundred cases of such vessels, captured by British cruisers, have been brought before the Court. Nor was this owing to any want of power in the Spanish Marine, for the local force is certainly superior to any the British Government ever has on these coasts. We would, therefore, beg your Excellency will give renewed orders to the Marine Department, strengthened as it has lately been by two large steam frigates, to be supplied with the necessary instructions, if they have them not already, to search all vessels going out hence, no matter where they may be said to be destined. By this means, if any should be found equipped in the manner pointed out by Article X. of the Treaty of 1835, as rendering them liable to condemnation, they may be brought before the Mixed Court, and full assurance be afforded of the sincerity of this Government to maintain its authority.

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

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

Third Enclosure in No. 185.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 19, 1841.

I HAVE received the communication of the 9th instant, which you have been pleased to address to me relative to the information of the 7th, which I gave you as to the result of the investigations, taken in consequence of the denunciation made by the Consul of Her Britannic Majesty on the 31st July last, of there being in this port several vessels fitting out, suspected of being intended for Slave Trade; and in answer I return you due thanks for the personal deference which you show me, assuring you that for my part I do not, and will not, overlook any means of making effective the strict observance and fulfilment of the Treaties, though as little can I forbear observing to you, that however great may be my desires and feelings, it is not possible for me to go beyond the legal course, having for as much to judge according to what results from the inquiries instituted in the respective cases, with all the forms which the laws require; and you, Gentlemen, have yourselves given a noble and honourable proof of how much you also respect the exact and lawful fulfilment of the Treaties, or rather of the laws which relate to that particular, in the fact of your refusing to adjudicate on the seizure of the brigantine "*Aguila*," when I had in reality submitted it to your deliberation.

To proceed with all caution and knowledge of the matter respecting your communication, I thought it proper to transmit it to his Excellency the Commandant-General of Marine, requesting him to advise me respecting it, which he has done in the manner as in continuation is expressed, leaving it me only to assure you that it would be a very gratifying power for me to employ the steam ships of this station in the prosecution of slave vessels; but much to my regret, the great attentions which must engage these ships prevent me, adding to them the wants and demands existing on the Spanish Treasury, as you, Gentlemen, well know will not allow of maintaining the great expense which the steamers cause by being always in movement:—

“Most Excellent Sir,—Informed of the communication of the 9th instant, which the British Commissioners of the Mixed Court of Justice established at this place, addressed to your Excellency, which your Excellency has been pleased to transmit to me translated into our language, with your note of the 11th, for advising you what I should have to offer and suggest respecting the particulars it embraces, with the fulness and weight its importance requires, I have the honour of expounding to your Excellency the following: By my notes of the 3rd and 5th instant, and others preceding, answering those relative to the particulars to which the British Commissioners make reference of the sailing of vessels which they say are destined for the reprobated trade in slaves, I have transmitted to your Excellency what the captain of the port has informed me, referring to the registers of his office, which categorically express that the referred vessels had sailed, legally passed at the Custom House, with cargoes of lawful commerce; and that with respect to the others, which also they say are soon to sail and prepared to be employed in that reprobated traffic, the captain of the port also informed me, what I in my before-mentioned communications repeated to your Excellency, and to which particulars I have nothing more to add. The vessels of war of this station have performed their cruises and other duties which are to their charge, with the exactitude that the service demands entrusted to them, which certainly is not limited to the prosecution of the Slave Trade, because there are many and very varied the duties of those vessels on the coasts of this island and abroad. The vessels of Her Britannic Majesty destined to the exclusive service of putting down the Slave Trade of this island, place themselves in determinate positions of necessary transit or passage, and all that is not of this peculiar attention, they see as very subordinate and extremely accidental. The most worthy Generals of Marine, my predecessors, Laborde and Topete, acknowledged on many occasions during their distinguished command that the activity, acquirements, zeal, and fidelity with which they performed their duties were superior to all praise; and I am certain that if one from the tomb, and the other from 2000 leagues distance, could answer the writing in which I am engaged, they would do it in the feeling in which it is due with victorious results. In respect of the period of my actual command, I am satisfied of the conduct of the commanders, my subordinates; and if fate has willed it, that during the twenty years in which the Mixed Commission has been established in this place, there has not been any vessel condemned taken by a Spanish cruizer, and that about a hundred cases of those vessels have been brought by British cruizers before the Court, that should not say the Spanish force failed in its duties, because no one can be responsible for those things which happen at sea, subject to the least accidents which mock the most zealous and experienced sailor, even when he has no other object than that of suppressing this abominable traffic, as exclusively happens to the English cruizers; and if from those have escaped those *many hundreds* of vessels which are said to have sailed from this island to be engaged in the traffic for negroes, why should not the same happen, and with greater reason, to the Spanish vessels of war which plough the waves of the island of Cuba, and are otherwise occupied in other duties, and cruise to great distances from it? The vital interest of every administration, and that of commerce of good faith, has also been the prosecution and extinction of contraband, adopting many restrictive measures which have appeared most proper and efficacious for its quick and complete success, but which, notwithstanding these fiscal dispositions and the sacrifices put in practice to extinguish it, has not been able to follow it to the precise extent necessary and proper for the happiness and wealth of nations, because that so great is the avarice and demoralization of man, and hence cannot be drawn the erroneous conclusion of the inefficiency of the measures adopted, nor of the sacrifices made for the purpose of obtaining its extinction. Being what I have to state to your Excellency in answer to your said official note.”

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Fourth Enclosure in No. 185.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 21, 1841.

We have had the honour to receive your Excellency's Letter of the 19th, transcribing us the reply of the Commandant-General of Marine, in answer to our Letter of the 9th instant, requesting the active employment of the naval force of this island to put down the Slave Trade.

We regret to find that there should exist any obstacles to effect this object, and assure your Excellency that our utmost desire tends only to a due and honourable maintenance of the authority of your Excellency's Government.

We have, &c.

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

(Signed) J. KENNEDY.
 C. J. DALRYMPLE.

(Extract.)

No. 186.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, September 13, 1841.**(Received October 11.)*

WE have the honour to enclose copies of two other letters we have received from the Captain-General of this island, informing us of some further denunciations addressed to him by Her Majesty's Consul at this place, of vessels having sailed, or preparing to sail, intended for the Slave Trade.

In the first letter, dated the 28th of August, His Excellency stated that Mr. Turnbull had denounced two vessels—one the "*Pampero*," as having sailed, and the other, the "*Mariana*," as about to sail, for the prohibited traffic; but that upon inquiry it proved no vessel had sailed by the name of the "*Pampero*," and that the "*Mariana*" was intended for lawful commerce, so much so that the merchant, upon the search of her being made, had presented a memorial to His Excellency complaining of the imputation, and asking public redress.

In our answer of the same date we observed that the "*Pampero*" was probably the same as the "*San Pedro*," which had been despatched at the beginning of the month for San Pablo de Loanda, and was no doubt intended for the Slave Trade. With regard to the "*Mariana*" we had no information, but have since learned that the consignee is a merchant of considerable business, and not implicated in Slave Trading.

In the second letter, dated the 9th instant, His Excellency stated that Mr. Turnbull had denounced two vessels as preparing for the Slave Trade—the "*Paz*" and the "*Vapor*"—but that upon investigation by his orders it appeared, from the report of the Commandant-General of Marine, that there were no grounds at present for suspecting them of such a destination. In our answer we observed that the "*Paz*" was despatched ostensibly for Monte Video, but that we had no doubt of its being intended for the Slave Trade, as it was notorious here, though probably unknown to His Excellency, that a cargo of about 400 negroes was landed from that vessel at or near Guanimar, on or about the 1st of August last, thus affording another proof of the character of the authorities at Guanimar. We added, that if such practices were continued thus to be permitted, it was manifest that the two high contracting powers would be bound in honour, in vindication of their authority, to have recourse to other measures more powerful, and which, but for such practices, they would not have adopted.

First Enclosure in No. 186.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 28, 1841.

ON the 21st instant Her Britannic Majesty's Consul informed me that a vessel anchored at Casa Blanca (whose name he did not mention), completely fitted for the Slave Trade, was nearly ready to sail, destined for the Cape Verds, for the purpose of there obtaining and enforcing her crew before receiving a cargo of negroes, adding, that the slave-vessel "*Pampero*," of whose fitting out he had made a denunciation, had been permitted to sail for her criminal destination.

In a former communication which I addressed to you respecting the results of another similar denunciation, I stated that, though I could not recognise in the Consul any authority for such officiousness, I would not neglect to make use of them, and order an investigation of the facts; and from that I have just made, it results that the vessel to which the Consul alludes is the brigantine "*Mariana*," despatched according to law at the Custom House for Buena Vista with a cargo of produce of the country, and a crew of eight men, without there appearing from the knowledge obtained the slightest suspicious indication against the consignee, who is injured in the most delicate respect that a merchant can be, that is, in his credit; and he has presented himself to this Government, protesting in form against the Consul for the damage and prejudice which his unfounded denunciation causes to his interests, and the mercantile reputation of his house, seeking a public satisfaction and corresponding indemnification; and with respect to the "*Pampero*," there is no appearance in the office of the captain of the port of the sailing of such a vessel.

A result so contrary to the allegation shows that the agents of the Consul, knowing his susceptibility in this particular, abuse it, and compromise him thus further than his Consular attributes permit, giving occasion to constant embarrassments and vexations that do not harmonise with the beneficial ends to which the strict alliance and friendship between our respective governments and countries are directed. And desiring notwithstanding to contribute to that as much as depends on me, and deprecating whatever mistaken conception might be occasioned by such inaccuracies on the part of Mr. Turnbull, is what I have considered right to inform you, Gentlemen, of this matter.

With this motive I repeat to you my personal considerations, and pray God you may live many years.

(Signed) GERONIMO VALDES.

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

Second Enclosure in No. 186.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 28, 1841.

WE have had the honour to receive your Excellency's letter of this date, informing us of a denunciation made the 21st instant by Her Britannic Majesty's Consul, of a vessel lying at Casa Blanca, as being intended for Slave Trade, and of the results of an inquiry which your Excellency had instituted respecting it, showing that the allegation was unfounded, and that the consignee had protested against it in form, seeking public satisfaction and correspondent indemnification for the injury it had occasioned his credit as a merchant; of all which circumstances we will duly make report to Her Britannic Majesty's Government.

We would, however, observe that the "*Pampero*" may probably be the Spanish brigantine "*San Pedro*," which was despatched the beginning of this month for San Pablo de Loanda.

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

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

Third Enclosure in No. 186.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, September 9, 1841.

THE Consul of Her Britannic Majesty on the 29th August last denounced to this Government that there were preparing for the reprobated traffic with Africa the schooner "*Paz*," and the brig "*Vapor*." Having intrusted the investigation to the Commandant-General of Marine, he informs me that both vessels are preparing for sea; but being ignorant of the destination intended to give them, there is no ground at present for such alleged suspicion.

And conformably to what I have intimated to you, Gentlemen, in other communications of the same nature, I transmit to you this information.

God preserve you many years.
(Signed) GERONIMO VALDES.

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

Fourth Enclosure in No. 186.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 10, 1841.

WE have received your official communication of yesterday's date informing us of Her Britannic Majesty's Consul having denounced the vessels "*Paz*" and "*Vapor*," as preparing for Slave Trade, and that the Commandant-General of Marine, having been intrusted with the inquiry, had reported that there was no ground at present for the alleged suspicion.

We will not fail to make known to Her Majesty's Government your Excellency's attention to these subjects; at the same time we take the opportunity of observing, that we understand the "*Paz*" has since sailed, ostensibly for Monte Video, but by current belief to the Coast of Africa. Of this destination we fear there is no doubt, especially as it is well known here, though probably not by your Excellency, that on or about the 1st August last this same vessel landed at Guanimar, or in that neighbourhood, about 400 negroes, on account of the notorious slave-trading house of P. Martinez and Co., thus affording another proof of the character of the authorities at Guanimar.

We fear the investigations made under the orders of the Commandant-General of Marine are unworthy of your Excellency's reliance, and must observe that if such practices are longer permitted, it is manifest that the two high contracting powers will be bound in honour, in vindication of their authority, to have recourse to measures more powerful, and of a character which, but for such continued practices, they would be reluctant to adopt.

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

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

No. 187.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, September 15, 1841.**(Received October 11.)*

MY LORD,

DURING the last month we are informed the following vessels were despatched hence, suspected of being intended for the Slave Trade:—

5th August.—For San Pablo de Loanda, the Spanish brig "San Pedro."
13th " " For Monte Video, the Portuguese schooner "Hercules."

In the same period there arrived, on the 1st of August, the schooner "Paz," and landed upwards of 400 negroes at Guanimar, on account of Don P. Martinez and Co.; and, on the 16th of August, the Portuguese schooner "Pilota," reported to have returned without negroes.

From these circumstances it appears that the trade continues in fact unpressed, but it bears evidently more of a contraband character as respects the arrivals; and, with regard to the vessels despatched, we understand they are equipped in a manner not to subject them to condemnation under Article X. of the Treaty of 1835, so that the authorities here have no ground for preventing their sailing. The equipments and stores for their return voyage, with a cargo of slaves, must therefore be obtained on the coast of Africa.

A very considerable excitement has prevailed here during the past month in consequence of information received that your Lordship had demanded, of the Spanish Government, the liberation of all slaves introduced into the island since the year 1820. So righteous a measure must be hailed with the utmost gratification by all who wish the happiness of the human race, and would go far to efface slavery itself from this country. The proposition has roused every individual here to a sense of the evil consequences attending the further prosecution of the trade; and if it has no other effect than that of stopping these continued malpractices, we should receive it with the utmost satisfaction.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 188.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 29, 1841.

WITH reference to your Despatch of the 5th of March last, containing a correspondence you had had with the Governor-General of the island of Cuba, respecting a large importation of negroes from Africa into that island, I herewith transmit to you, for your information, the accompanying copies of correspondence which has passed between this office and Her Majesty's Envoy at Madrid upon that subject.

I am, &c.

(Signed)

ABERDEEN.

Her Majesty's Commissioners,

&c.

&c.

&c.

Enclosures in No. 188.

No. 189.

*The Earl of Aberdeen to Her Majesty's Commissioners.**Foreign Office, October 30, 1841.**Circular sending Papers presented to Parliament.*

(See No. 46.)

No. 190.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, October 18, 1841.

(Received December 6.)

MY LORD,

DURING the last month the following named vessels have been reported to us as having been despatched hence to be engaged in Slave Trade, though ostensibly for ports of South America.

September 7. For Buenos Ayres, Portuguese schooner "Paz."
 ,, 10. For Monte Video, ,, ,, "Nassimiento."

The only vessel that has been reported to us as having arrived is the schooner "*Volador*," which entered the harbour on the 29th under Portuguese colours, having some time previously landed at Guanimar, on account of Don Pedro Blanco, 238 negroes. The circumstances attending this vessel we took occasion at the time to bring before the notice of the Captain-General, who promised to institute an inquiry into the allegations, but has not yet made us acquainted with the result.

We have also since found it our duty to denounce to his Excellency the arrival of the notorious "*Venus*," otherwise the "*Duquesa de Braganza*," on the 3rd instant, with upwards of 600 negroes, landed at Mariel, the further particulars of which, therefore, with those of the "*Volador*," will have to form the subjects of subsequent Despatches.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 191.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, October 25, 1841.

(Received December 6.)

MY LORD,

ON the 15th of the last month, we addressed a letter to his Excellency the Captain-General, repeating the information we had received of 238 negroes having been landed, a few days previously, at Guanimar, from a vessel commonly known as the "*Volador*," on account of the great slave-dealer, Don Pedro Blanco, which letter his Excellency acknowledged in his provisional answer of the 17th, adding that he had commissioned the Third Lieutenant-Governor and Assessor-General to investigate the charges.

On the 30th, having heard of the vessel's arrival in this port on the day preceding, we addressed his Excellency another letter, apprizing him of the fact, and requesting a strict search to be made into the trading in which it had been employed.

To these letters we received an answer on the 22nd instant, of which, with the others respectively, we enclose your Lordship a copy, stating that the Third Lieutenant-Governor had reported that there was no just cause for proceeding judicially, as no proofs had resulted of the facts stated in the denunciation.

His Excellency stated also, that from the answer he had received to our second letter of the 30th of September, from the Commandant-General of Marine, he learned that no vessel was to be found in the books of entries of vessels in his department named "*Volador*."

As his Excellency concluded by observing that he communicated this as the final result of the matter, we had it only left us in our reply of the 23rd instant to state that we regretted to learn so unsatisfactory a result of the investigations, and would duly report the same to Her Britannic Majesty's Government.

In conformity with this intimation, we find ourselves under the necessity of observing that there is no doubt whatever in our mind of the truth of the allegations, nor of the culpability of the parties commissioned to make the inquiries in screening the offenders.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

CLASS A.

First Enclosure in No. 191.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 15, 1841.

WE regret to have it our duty to report to your Excellency, that we are credibly informed of a cargo of about 238 negroes having been landed, about a week since, at or near Guanimar, from a vessel now or formerly known as the "*Volador*." These negroes we understand came on account of the notorious slave-dealer, Don Pedro Blanco, and were brought here overland, and deposited last night at a barracon belonging to him in the neighbourhood of the Fort Principe and of your Excellency's country-house. The vessel, it is said, has not entered this harbour, and probably will not, but of the above facts there is, we regret to say, no doubt whatever.

Under these circumstances, we have it left us only to bring them under your Excellency's notice, in the confident hope that your Excellency will take such decisive measures respecting them as will lead to the immediate seizure of the negroes, and the punishment of the parties concerned in this breach of the law; as well as of the authorities at Guanimar, who have thus afforded another proof of their readiness to participate in such offences.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

Second Enclosure in No. 191.

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, September 17, 1841.

I HAVE received your communication of the 15th instant, stating that you had been confidently informed of a cargo of 238 negroes having been disembarked at Guanimar, or its neighbourhood, from a vessel known as the "*Volador*," and that you learned those negroes had come on account of Don Pedro Blanco, a notorious slave-dealer, having been brought overland and placed in a barracon in the vicinity of the Fort Principe, with other particulars expressed. For provisional answer I reply, that by this date I commission the Third Lieutenant-Governor, Don Pedro M. F. Villaverde, that he immediately proceed to what is becoming (*á lo que corresponde*) respecting all the circumstances to which your said official letter refers.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

Third Enclosure in No. 191.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 30, 1841.

WITH reference to our letter of the 15th instant, we beg now to inform your Excellency that we learn the vessel "*Volador*," mentioned in that letter, entered this harbour yesterday, and we trust therefore that your Excellency will order such an inquiry to be instituted respecting it as will meet the exigencies of the case.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

Fourth Enclosure in No. 191.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, October 1, 1841.

YOUR communication of the 30th of September, stating the arrival in this harbour of the vessel "*Volador*," to which you referred in your preceding letter of the 15th of the same month, I have directed to be transmitted to the Third Lieutenant-Governor, whom I had commissioned for the investigation of this matter, which I state, Gentlemen, to you for reply.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

Fifth Enclosure in No. 191.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, October 21, 1841.

THE Third Assessor-General, whom I commissioned to take the inquiries respecting the denunciation made by you in your letter of the 15th of September last, of the disembarkation of Bozal negroes in the neighbourhood of Guanimar, from a vessel known as the "*Volador*," having completed the revision of them, informs me that they do not afford merit for proceeding judicially, as there do not result proved the facts comprehended in the denunciation.

His Excellency the Commandant-General of Marine has also answered me, certifying the report which the Captain of the Port returned him, of there being no appearance in the books of entries of vessels in his department of any called the "*Volador*," to which you, Gentlemen, refer in your communication of the 30th of the said month.

The which I communicate to you for your information, and as the final result of the matter.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Sixth Enclosure in No. 191.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 23, 1841.

WE have received your official letter of the 21st instant, informing us that the Third Assessor-General, having taken the investigations your Excellency had commissioned him respecting our denunciation of a disembarkation of negroes near Guanimar, from a vessel known as the "*Volador*," had reported that there is no sufficient cause for proceeding judicially, as the facts comprehended in the denunciation do not result proved.

Also, that his Excellency the Commandant-General of this station had certified, from the report of the Captain of the Port, that no vessel by the name of the "*Volador*" appeared on the books of entries of vessels in his department.

Which circumstances your Excellency is pleased to say are communicated to us as the final result of the matter.

We regret exceedingly to learn so unsatisfactory a result of the investigations, and have it only left us to report the same to Her Britannic Majesty's Government.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

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

No. 192.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, October 27 1841.**(Received December 6.)*

MY LORD,

WE have the honour to enclose your Lordship a copy of a letter we have received from his Excellency the Captain-General of this island, dated the 24th instant, respecting a denunciation made by Mr. Consul Turnbull, on the 23rd, of a slave-vessel called the "*Trueno*" having arrived at Cabañas, a small port on this coast, the negroes of which he asserted had been brought the day before by a steam-vessel to the Chorrera, a small creek near this place, and there deposited at a barracon near the Fort Principe. Upon the receipt of this, it appears the Captain-General directed the Third Lieutenant-Governor to go immediately and investigate the circumstances, who, having done so, reported that there were no such Africans in the barracon, and that no steam-vessel had come to the Chorrera on the 22nd, the day specified, or could have come on that day, on account of the tempestuous state of the weather. This assertion, we must acknowledge, is trustworthy, inasmuch as we know that on the 22nd it was very stormy, the wind being what is here termed a norther, when the surf on these shores is most dangerous. We, therefore, thought it advisable in our answer merely to state to his Excellency, that we would duly report his communication to Her Majesty's Government, and accordingly we now beg to refer to it, as more fully explaining his Excellency's feelings and opinions.

We regret to say, we learn that the "*Trueno*" in fact has, within the last week, arrived, and landed a cargo, not at Cabañas, but at Bahia Honda, some leagues farther on the coast, and that the negroes she brought were actually taken thence in a steam-vessel to the Chorrera, not on the 22nd, but on the 24th, having been sold immediately on landing.

We regret to add, that since the beginning of this present month we are assured of there having been landed in this neighbourhood, from different vessels that have succeeded in arriving with cargoes, about two thousand negroes. Of our knowledge of this disgraceful continuance of the traffic, we have duly made a communication to the Captain-General, which will therefore have to form the subject of a subsequent Despatch.

We have, &c.

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

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

&c.

&c.

&c.

First Enclosure in No. 192.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, October 24, 1841.

HER Britannic Majesty's Consul having yesterday denounced a disembarkation of negroes at the port of Cabañas, and that, on the date of the 22nd instant, they were removed by a steam-boat to the Chorrera, and from thence to a barracon near the Fort Principe, where they are at present, I ordered forthwith the most scrupulous examination and search, believing to take the offenders in the fact; in pursuance of which inquiries the Lieutenant-Governor, Third Assessor-General, went to make them personally, of which I copy his letter:—

"Havana, October 23, 1841.

"Most Excellent Sir,—With the urgency your Excellency recommended me by your order of this day, which I received while at dinner, at a quarter past three this afternoon, I went personally to the Partido of San Antonio Chiquito, which includes the port of the Chorrera and the barracones which Her Britannic Majesty's Consul calls of Principe. From the inquiries made personally by me, with the assistance of the Pedaneo, and by his showing on the plain reading the deposit supposed by Her Britannic Majesty's Consul, it results that it is notorious and evidently false, that in the port of the Chorrera there was landed yesterday by a steam-boat 436 Africans, which the Consul has assured himself were brought from Cabañas, proceeding from the Portuguese brig '*Trueno*,' because there do not exist in the Partido, nor from the state of the weather was it practicable, on account of the heavy sea, which made it impossible for a steam-boat, or any other vessel, to enter the port, according to what the Pedaneo assured me; nevertheless I have searched the barracones, '*Recreo de los Amigos*,' and the '*Reforma*,' and did not find existing in them the 436 Africans which the Consul said.

"This result, the truth of which this day is indubitable, proceeding honourably and loyally, offers a doubt of the certainty of the arrival of the '*Trueno*' at Cabañas with 436 Africans; but however that may be, I am of opinion that your Excellency should give your orders to the captain of that port, inserting an extract of the official letter of the Consul, which refers to the Portuguese brigantine '*Trueno*,' accompanying a certification of the search made by me this afternoon, that he may proceed to the investigation of the denunciation made, and if the fact is proved fully, or by strong indications which induce his assent, then that he detain the negroes, and send them to the disposal of your Excellency; that he arrest the crew, embargo the vessel, and take any other persons that may be interested, giving immediate account of the whole to your Excellency, that you may proceed to what is necessary.

"Respecting the supposed disembarkation at Mariel, and that from the brig '*Venus*,' they have instituted proceedings on account of the denunciation of the English Commissioners, and there is no reason to renew them on account of Her Britannic Majesty's Consul repeating these denunciations, according to his custom, to heap together materials for the object of supposing facts which never existed, or that at least he has not been able to prove legally, which is enough, in order that, acting in good faith, they do not remember doing justice to the rectitude of your Excellency, and the faithful discharge of their duties on the part of the other intermediate officers and subordinates. I call the attention of your Excellency to the first paragraph in his official letter, in which Her Britannic Majesty's Consul has permitted himself to say, that there cannot be any doubt any longer that your Excellency is perfectly acquainted with the treaties being daily and openly violated. If it were thus, there would result a cargo daily and openly; and such an assertion being entirely gratuitous and voluntary on the part of Her Britannic Majesty's Consul, it is fit to throw it back as destitute of foundation, because his word is not sufficient, nor that of any confidants he may have, friends or co-labourers, unless they show facts proved according to the laws of the country. Let him by all means be faithful to his principles and system, but let him fulfil the duty that is in this imposed on him with exactitude and truth, because if neither one nor the other exists but under his word, your Excellency cannot, according to law, act except so far as you find justified the conformity of the facts; and it is the duty of the Consul to do justice to the firmness and integrity with which your Excellency governs, and with which you see that the public functionaries fulfil their duties. I do not know how far the faculties

extend which Her Britannic Majesty's Consul indicates have been conceded to him by his government, to watch the fulfilment of the treaties by the authorities of this island. The English Government is too wise and circumspect to have conceded to him others than those which belong to him by the treaties; and as in those we do not find comprised this species of superintendence, or charge of watching the conduct of the authorities of this island respecting their fulfilment, I cannot conceive that the attributes with which the consul thinks himself invested, and which it would appear an air of superiority incompatible with those treaties and with our laws. If your Excellency thinks that you should answer him, your Excellency may be pleased to give him notice on this particular, conducive for his information, and which may serve for any other communications he may have to offer. So it appears to me: however, your Excellency may determine what you may think more right.

“ PEDRO M. F. VILLAVERDE.”

In accordance with the above advice, I have given orders that they proceed at Cabañas in the investigation of the denounced fact, transcribing to you, Gentlemen, the result to the present time of this business, to give a proof that, though I omit to answer the Consul, because I cannot and ought not to enter into communications upon the subject with him, in whom, according as I have shown, there does not exist the right to intermeddle in the business, I feel the greatest interest in fulfilling the treaties; and that you may be convinced of this, and of my determination to put down the reprobated traffic, without neglecting the denunciation, though from an incompetent party, I have ordered the proceeding with regret to see the heat with which the Consul supports denunciations as certain, which like the present have all the character of untruth, and the easiness with which he permits himself to adopt, as positive, accusations vague, at the same time presented with malice, by his confidants, in which there is no reality, as for instance has just been proved in the investigation of the barracon, which I ordered, and which was effected without loss of time, to surprise the offenders, if there were any.

The which I repeat to you, Gentlemen, for your knowledge.

God preserve you many years.

(Signed) GERONIMO VALDES.

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

Second Enclosure in No. 192.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 25, 1841.

WE beg to acknowledge the receipt of your Excellency's letter of yesterday's date, informing us of a denunciation made by Her Britannic Majesty's Consul of a disembarkation of negroes at Cabañas, and of their being brought on the 22nd instant in a steam-vessel to the Chorrera, and thence to a barracon near the Fort Principe, where they then were, and of your Excellency having instructed the Third Assessor-General, without loss of time, to investigate the circumstances, and seize the offenders, but that the said Assessor on investigation had found the charge not true, as no steam-vessel had come, or could come, to the Chorrera on the 22nd, on account of the weather.

The which circumstances, with your Excellency's observations in detail, we will take the earliest opportunity of making known to her Britannic Majesty's Government.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

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

No. 193.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, October 29, 1841.

(Received December 6.)

MY LORD,

WE have the honour to report that on the 4th instant, having heard of a cargo of upwards of 600 Africans having been landed the day preceding at Mariel, near this place, from the notorious slave-vessel "*Venus*," otherwise the "*Duquesa de Braganza*," we found it our duty to address the Captain-General of this island on the subject, observing that as the vessel had not sailed more than four months before from this port, ostensibly for Monte Video, but in reality for the coast of Africa, where, judging from the shortness of the voyage and back, she must have gone direct, and therefore gone equipped for the Slave Trade: the fact of her being permitted to go so equipped must reflect the utmost discredit on the officers of the port, who had connived at so manifest a breach of the laws of the country, as well as of the treaty with England.

In answer to this denunciation, his Excellency returned us a letter, dated the 22nd instant, embodying the opinion or report on our communication of the Third Lieutenant-Governor Assessor-General, that having made all the

inquiry in their power, the persons appointed for that purpose had not been able to find any evidence to authenticate the denunciation, whence he concluded it was not well founded, adding, that if the "*Venus*" had really been to the coast of Africa, equipped for Slave Trade, it was more probable she had been equipped for that purpose at Monte Video than Havana.

This hardy denial of a fact as notorious at this place as any other of the day's occurrences we were not prepared to expect, still less to find the Captain-General, in his own addition to the report, observing that the treaty did not bind the Spanish Government to take any measures on shore to put down the Slave Trade, whence he pronounced every act taken by them to prosecute or impede such trafficking was an excess of zeal; also that contraband trade existed both in France and England, notwithstanding the power and resources of the respective government, without the officers being accused of venality or want of zeal; and that the English Government and cruizers might be as justly accused in that respect, because the places in Africa whence slave-vessels come were notoriously fewer than those parts of this island available for disembarkation.

His Excellency further observed that the trade had materially decreased since the Treaty of 1835 had been concluded, more than the warmest friends of the abolition of the trade could have hoped for, enabling us to hope that very soon it would entirely cease in the Spanish colonies.

In reply to this extraordinary assemblage of bold assertions, we observed that the very first article of the treaty declared "the Slave Trade thenceforward totally and finally abolished in all parts of the world;" and in the second article, that "Her Majesty the Queen Regent of Spain engaged to take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on in any way the trade in slaves," and that this was always understood to include measures on shore as well as on the seas, for which object, therefore, royal orders had been from time to time issued, with strict injunctions to have the treaty fulfilled.

With regard to the assumption of inertness on the part of the British Government or cruizers to put down the Slave Trade, we thought it sufficient to observe, that upon an average about 40 slave-vessels had been every year taken by British vessels of war, throwing the charge on the Spanish navy by comparison, who have never seized one slave-vessel, though remaining listless in the harbour, while those vessels were coming in or going out every week.

Nor could we think the comparison just, of the Slave Trade with the contraband trade of England or France. A few barrels of spirits, or bales of goods, we observed, might be easily stowed away in a thickly-peopled country, if once successfully landed; but such could not be the case here with so strict a system of police, as regards the thousands of human beings introduced every year, who eat, and talk, and work openly in the fields, and are marched in files through the streets, and are conspicuous by their scarred faces and general appearance.

Lastly, we observed that we could not join in his Excellency's opinion that the Slave Trade had decreased since the Treaty of 1835 was concluded, or that we could entertain any hope of its being soon totally discontinued, unless other steps were taken than at present seemed to be probable. Since the present month commenced, we stated that we were fully assured of no fewer than 2000 Africans having been landed on these coasts, to be condemned to a life of toilsome misery, and that under these circumstances we had no alternative than to report them fully to Her Majesty's Government, leaving them to take such measures respecting them as they should see fit.

We regret extremely to have to acknowledge that our hopes of the ability or determination of the present Captain-General to put down the Slave Trade have been disappointed. We certainly did entertain a belief in the sincerity of his assurances; and we would rather conclude now that the Slave Trade interest has been too powerful for his energies, than that the solemn promises he made us on his arrival, of his determination "religiously to carry the treaty into full effect," were from the first insincere. But whatever may be the operating cause of his non-fulfilment of his pledge, despairing as we must do of any suppression of the trade by the local authorities, we consider we have it only left us respectfully to suggest to your Lordship the propriety of adopting a language, in communications to the Spanish Government, showing that

England will insist on a faithful observance of the treaty, to which her honour and her sympathies are so much bound, and have hitherto been so much disregarded.

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

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

First Enclosure in No. 193.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 4, 1841.

WE regret to have it our duty to state to your Excellency that we have received information, on which we can rely, of there having been yesterday landed at Mariel, near this place, upwards of 600 Africans from a vessel known as the "*Venus*," otherwise the "*Duquesa da Braganza*," sailing under Portuguese colours, though notoriously the property of some well-known slave-dealers of this city, of whom one Don José Mazorra is reputed the principal. This vessel sailed hence about four months since ostensibly for Monte Video, though no one in Havana doubted of the real destination being for the coast of Africa; and, as she must have sailed fully equipped for the reprobated traffic in human lives, the permitting her to sail must reflect the deepest discredit on the officers of the port, who thus connived at such a flagrant breach of the laws of the country, as well as of their country's obligations to England and the world.

We have also heard that, within a few days, another cargo of about 158 negroes has been landed at the same place, Mariel, from a vessel named the "*Matancera*," on account of the notorious slave-dealer Don Ramon Font.

We trust it only requires to be named to your Excellency that such enormities continue to be perpetrated under your Government, to ensure such a punishment on the offenders as will convince the two high contracting powers of your Excellency's sincerity to maintain the authority of the laws and treaties on the subject.

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

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

Second Enclosure in No. 193.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

Havana, October 22, 1841.

GENTLEMEN,

HAVING passed for the opinion of the Lieutenant-Governor, the third Assessor-General, the reports I had ordered to be taken, in consequence of the communication you had made me of the 4th instant, denouncing the disembarkation at the port of Mariel of more than 600 Africans brought by the vessel named the "*Venus*," he has complied with it of the date of the 20th in the following terms:—

"Most Excellent Sir,—From the proceeding instituted at Mariel in consequence of the denunciation of the English Commissioners of the 4th instant, showing that there had been disembarked at that port the day preceding more than 600 Africans from a vessel known as the "*Venus*," otherwise the "*Duquesa de Braganza*," sailing under the Portuguese flag, it results that they have used whatever diligences were possible, and by all the means in their power to fulfil the orders of your Excellency for the apprehension of the negroes, and the bringing them to this capital at your Excellency's disposal, with the arrest of the crew and others interested in the said cargo. They have made inquiry on these coasts to windward from that port to Guajaybon; and all these diligences, and the statements of the neighbours who could give any indication, proved strongly that there had not been any such disembarking at Mariel,—all asserting that they had not seen any Bozal negroes, nor yet vessels that could have disembarked them. This is the result of the inquiries taken, and by no other mode could they have proceeded, because for the apprehension and arrest; and to exact the responsibility and punish the guilty it is necessary first to be instructed by an investigation of the facts which the denunciation comprises. If the examination made according to the laws gives a negative result, if the officers employ in the search all the means in their power, and they cannot legally use others, corresponding to your Excellency's confidence, proceeding according to determinate orders with exquisite zeal and with attention, preferring to secure the punishment of those who for private interest procure the introduction of negroes, contrary to the provision of existing treaties. If your Excellency has made communications, the severest and most stringent in charge to all the authorities and all the immediate subordinates, and they are vigilant and proceed accordingly, what remains to be done? Nothing else than to proceed with constancy in its fulfilment, in faithful observance of the treaties. Individual interest is strong and persevering, and for the recompense that it brings in all cases prohibited by laws or treaties, it stimulates speculators and avaricious persons to the arduous undertaking of contraband trade, and the breach of prohibitory laws. In all business of this kind this is observed; and thus, however great may be the zeal of the authorities, they cannot suffice, and less in a coast so extensive as that of this island; and when they have been able to escape the distinguished vigilance of the cruisers destined to pursue them, it is easy that they

should succeed in making some disembarkation. The seizure made at Cabañas, and the liberty which your Excellency granted, in accordance with my advice, to 400 and more Africans that were taken in the vessel in which they came, is a testimony that some escape the vigilance of the cruisers, as also of the good fulfilment of your Excellency's orders. The denunciation of which we now treat is not a Spanish vessel, if it be that the disembarking that has occurred came under the Portuguese flag, as the English Commissioners say; and it is easy that their information for the denunciation may not have been exact, since nothing have we been able to authenticate. In my opinion nothing more can be done in cases of denunciation, nor when without it we proceed, as occurred when the vessel referred to at Cabañas, of whose seizure the Mixed Court abstained from recognising; and if seizure does not always result, is because there is not exactness in the facts, or because in reality there has not been a disembarkation.

"Nor ought I to omit in the present case calling attention to one charge of induction which the English Commissioners have permitted themselves to make. They say that the vessel, the '*Venus*,' sailed hence four months since from this port ostensibly for Monte Video, although no one in Havana doubted that its true destination was for the coast of Africa; and as it must have sailed completely equipped for the reprobated traffic in human beings, the permitting it to sail must reflect the deepest discredit on the officers of the port that thus connived at such manifest breach of the laws of the country. If the vessel '*Venus*' sailed ostensibly for Monte Video, and no one doubted she went to the coast of Africa, this assertion is not sufficient for an inference that she must have sailed completely equipped for the traffic in human beings, nor hence, in consequence, to induce discredit on the officers of the port for so manifest a breach of the laws of the country. Such a fault has not existed, because she was not fitted for the traffic. That she may have become fitted at Monte Video, and was fitted or no for the coast of Africa, is not a charge against the officers of the port of Havana, whence it is said she sailed for Monte Video. Voluntary, and very voluntary, is the assertion of such supposed fault as the conclusion of her having sailed completely equipped. As little is it sufficient, according to our laws, that the Commissioners repute Don José Mazorra to be the principal of some slave-dealers, since it not appearing legally who they are, nor the paper of principal which gives it to Mazorra, we cannot adopt measures, nor avail ourselves of these communications, for claims without further results, which cause time to be lost to the Governments, that must be well satisfied of their reciprocal good faith in the fulfilment of the Treaties. If your Excellency pleases to file this proceeding, and to answer the Commissioners, communicating to them the result, and these observations, if to your Excellency they appear adequate, or in other case, as always the most certified, putting all in the knowledge of the Supreme Government, that it may be prepared in case of any complaint being made by the British."

And assenting myself, I transmit this for you, adding, for my part, that, however great may be my desires that there cease at once in this island, and in every part of the globe, the introduction of negro slaves, it is not possible for me, in pursuing it, to go beyond the limits and rules which the laws prescribe to every public functionary from the highest to the lowest; if not thus, it would be to proceed as a tyrant, which I do not believe can be the wish of the Commissioners of the Mixed Court of Justice to exact from the superior authority of the Island of Cuba, or from any of its subordinates; so much the less, when all they have done, and are doing, to impede the introduction of Bozal negroes into the island, to terrify and punish those who attempt it, is more truly an excess of zeal on the part of the Spanish Government and authorities, and a fulfilment of no convention which has been made with England, nor with any other nation. That which they have made with the first is written, and in terms very clear and precise; and in that is to be found not one article imposing on any of the high contracting parties the obligation to prohibit, to search, or to incommode either merchants or proprietors, as regards the arrival of negroes, when they are not detained, they or the vessels bringing them, upon the waters, and by vessels of war of one of the two nations, appointed previously, commanded by officers of determinate rank, and provided with especial instructions for the purpose, with other formalities which are expressed in the same Treaty. It is, then, indubitable that every proceeding after the negroes are disembarked is an excess of zeal, and a lively desire of co-operating, by whatever means are possible, for the success of the object which the contracting parties proposed in entering into the Convention of which we are treating. This doctrine is just, natural, and correct, recognised solemnly by you in the honourable conduct which you observed when the wreck of the vessel that was lost at Cabañas, and whose negroes disembarked there, and seized in the act by the Spanish authorities, you abstained voluntarily from adjudging whether it was a good detention or not, on account of the case not being comprehended in the articles of the Treaty; nor in any other manner could this be understood, since from the contrary neither persons, nor property, nor commerce would have any kind of security, which would be an evil much greater for the human race than that which they were treating of to avoid.

In fine, if from the introducing into the Spanish colonies any or other vessel proceeding from the coast of Africa gave a right or ground to accuse the Spanish authorities of connivance or want of zeal, with how much more reason would they have the same charges against the English authorities and cruisers because they permit them to sail from Africa! where we all know those ports of the coasts whence they bring the negroes from their country are infinitely less in number than those which in this island are available for their disembarkation. Individual interest always had, and will have, advantages over public interest; in France and in England, in spite of the great strength of the Governments, and the great means which they have at their disposal, contraband trade exists, without the functionaries being accused for that of connivance with the contrabandists, nor of venality, nor of want of zeal. All which it has appeared to me right to manifest to you, Gentlemen, in order that you may not alarm, or inquiet yourselves with accusations or denunciations, which the most times are false and never consented to, nor still less authorized by the public functionaries, being able to assure you that if the evil for the reasons explained be not entirely cut off, I persuade myself it has been diminished since the Treaty of 1835, in a manner most satisfactory for the lovers of abolition of the trade in slaves, that the most ardent abolitionists could promise themselves, or hope, enabling us to believe that in a little while it will be completely extinguished, as respects the colonies dependent on the Spanish Government.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

Third Enclosure in No. 193.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 25, 1841.

WE beg to acknowledge the receipt of your letter of the 22nd instant, informing us of the report of the third Lieutenant-Governor Assessor-General, respecting the denunciation we made on the 4th of this month, of upwards of 600 Africans having been landed at Mariel the day preceding, from the slave vessel "*Venus*," otherwise the "*Duquesa de Braganza*." From this report we regret to find, that another case of unsatisfactory result is to be added to those we have had it our duty formerly to advert to, and under the circumstances therefore it is only left us to submit to Her Britannic Majesty's Government the facts of these continued unpunished violations of the Treaty, in order that they may take such other steps with regard to them as they in their wisdom shall see fit.

As, however, your Excellency has been pleased to enter into the discussion of some other topics, we beg to notice them in reply, not by way of arguing with your Excellency, but lest our silence should be considered as an assent to observations with which we totally differ. Your Excellency observes, that there is not one article in the Treaty which imposes on either of the High Contracting Parties the obligation to prohibit, to search, or incommode merchants or proprietors, as respects the arrival of negroes, when they have not been detained on the seas, according to the Treaty. But the very first article declares "the Slave Trade on the part of Spain henceforward totally and finally abolished in all parts of the world;" and the second article engages, "that the most effectual measures shall be taken for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on in any way the trade in slaves." The Spanish Government have understood this to mean, by measures on shore, as well as on the seas, and thus your Excellency, and your Excellency's predecessors, have received from time to time Royal orders and other injunctions to observe the due fulfilment of the Treaty. We cannot, therefore, coincide with your Excellency's opinion, that whatever steps are taken on shore with this object can be considered an excess of zeal, or otherwise than as an imperative obligation.

Nor less can we agree with your Excellency in the belief, that the traffic has decreased since the Treaty of 1835, and will probably soon cease altogether, unless other measures are adopted in the island. Since the beginning of this month, we are fully assured that nearly 2000 Africans have been landed on the neighbouring coasts, and there can be no doubt whatever, with the full knowledge of the subordinate authorities, knowing well as we do the complete system of police, that few individuals can escape their notice, and certainly not the hundreds and thousands of unfortunate Africans that are yearly added to a life of toilsome misery, by the continuance of the Slave Trade.

Your Excellency observes, that if there be ground of accusation against the Spanish authorities, there is also the same against the British authorities and cruisers for permitting the vessels to sail from Africa, where the points accessible to vessels are fewer than on the coasts of this island. But your Excellency surely must forget that upon an average, about 40 vessels are yearly seized by British cruisers for being engaged in Slave Trade, and this is certainly the first time we ever heard any suspicion of their being deficient in zeal or activity. A more proper accusation would be against the not using the Spanish Marine, instead of permitting them to remain listless in the harbour, while vessels are coming in or going out every week, notoriously engaged in Slave Trade.

How your Excellency can justly compare the contraband trade of England or France with the Spanish Slave Trade, we must acknowledge ourselves unable to comprehend. A few bales of goods or barrels of spirits, in a thickly peopled country, may be easily stowed away from observation, if once successfully landed; but such cannot be the case here of escaping the notice of the local authorities, with regard to the thousands of miserable beings introduced annually, who eat and talk, and work openly in the fields, and are marched through the streets in files, and are conspicuous by their scarred faces and general appearance.

These considerations we beg to urge, not as arguing with your Excellency, but merely that our views and opinions may be fully understood.

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

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

No. 194.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 15, 1841.

WITH reference to the several representations which you have from time to time made upon the subject of the conduct of Mr. Pluma, the Tuscan Consul at the Havana, in granting papers to slave vessels, I herewith transmit to you for your information and guidance a copy of a Despatch and of its enclosures from Her Majesty's Envoy at Lisbon, stating that the Portuguese Government has declared formally that consular documents furnished by Mr. Pluma to Portuguese vessels shall have no effect or validity as evidence of the nationality of the vessels to which they may be granted.

I am, &c.
(Signed) ABERDEEN.

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

CLASS A.

First Enclosure in No. 195.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 1, 1841.

WE have received a Despatch from Viscount Palmerston with reference to the negroes found on board the slave vessel "*Aguila*," wrecked off Cabañas in May last, desiring us forthwith to write to your Excellency, stating that we are ordered by Her Britannic Majesty's Government to demand that the negroes so wrecked in the "*Aguila*" may be given over immediately to the care of Her Majesty's Superintendent of Liberated Africans, as they would have been if they had been taken by a British cruiser, and emancipated by decree of the Mixed Commission, in order that they may forthwith be sent to a British colony, where their freedom will be secure; and we are further desired to state that we are instructed to make this demand, because those negroes are by the law of Spain free men, and the Government has therefore no right to impose any restraint upon their personal liberty; and because it is well known to everybody that the condition of Emancipados, in which those negroes appear to have been placed, differs in no essential respect from the condition of slavery, and is therefore an illegal duress imposed upon free persons in violation of the true meaning of a Treaty between Great Britain and Spain.

We have, &c.

(Signed)

J. KENNEDY,
C. J. DALRYMPLE.His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 195.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, November 3, 1841.

HAVING passed, for the opinion of the Third Lieutenant Assessor-General of this Government, the official communication you directed to me the 1st instant, respecting the demand which you made in the name of Viscount Palmerston for the negroes found on board the slave-vessel said to have been called "*Aguila*," shipwrecked at Cabañas in May last, he has given it me as follows, of yesterday's date:—"Most Excellent Sir,—The negroes detained in the port of Cabañas on the 21st May last, in a vessel wrecked on that shore, and whose name is known as the "*Aguila*," as the English Commissioners say, have been declared free from all captivity and slavery, according to my advice of the 31st of that month, and being free are receiving their education under the protection of the Government of Her Majesty. The conduct, zeal, and discretion with which your Excellency has proceeded have been approved by his Highness the Most Excellent the Regent of the Kingdom, according to Royal order of the 23rd last August, communicated by the First Secretary of State. It is somewhat surprising that the Viscount Palmerston has sent the order and Despatch to which the English Commissioners refer in this communication. His lordship, no doubt in moments of haste, and in those which even the greatest statesmen cannot pause to examine the various views of the matters placed before them, determined on the resolution to which the Commissioners refer. It does not agree with the slow judgment and severe consideration which on weighty matters are accustomed to distinguish British determinations. In the Treaties there is not a single article which authorizes the resolution of Viscount Palmerston, considering it either in letter or spirit. The Article XIII. of the Treaty of the 28th of June, 1835, provides that captured negroes shall be placed at the disposition of the Government whose cruiser has made the capture. In the Article III. of Annex C. to that Treaty it is established that if the cruiser were English, the English Government engages that the negroes shall be treated in exact conformity with the laws that in their colonies regulate the apprenticeship of Emancipados. In the Article IV. of the same Annex it is determined that if the cruiser were Spanish, the negroes should be delivered over to the Spanish authorities of the Havana, or some other point of the dominions of Spain; and the Spanish Government engages that they shall be treated with strict subjection to the regulations promulgated in the Havana, and in force respecting the treatment of liberated negroes, with more therein expressed. Did the English Government, the Commissioners, the Consul, or cruisers, take any part in the seizure of the vessel under the Portuguese flag, which, at the time of its wreck, was taken at Cabañas on the 21st of May last, and in taking the negroes that came on board of it, brought from Africa, where they then were as captives according to the customs of those countries? No, sir; and although your Excellency passed the case of the seizure to the Mixed Court on the 28th of May, it refused it, and returned it to your Excellency, declaring that its powers extended only to decide upon the legality of captures made of slave vessels, or those *primâ facie* engaged in that traffic, by vessels of war, with instructions *ad hoc*. If the seizure has been effected in consequence of the zeal and vigilance of the authorities of the island, and in virtue of the strict and energetic orders issued by your Excellency since you took possession of the command, whence could Viscount Palmerston derive the right for the demand which the Commissioners put forward, claiming the 413 negroes whose liberty your Excellency insured, and who are now educating for the good use of it to their benefit and of society? You neither can nor ought to deliver them up to be sent to the English colonies; this delivery is of those liberated by decree of the Mixed Court, and who have been taken by English cruisers. Circumspect and honourable, the Mixed Court took not the adjudication according to the strict observance of the Treaties; and your Excellency, because the Spanish nation and their sovereign have totally and finally abolished the traffic in slaves, has made in favour of the 413 negroes taken at Cabañas the declaration which has been communicated to the Mixed Court, and which has been regularly transmitted to the Government. In that may Viscount Palmerston, or, better say, the Cabinet of St. James, observe the conduct, zeal, and discretion of your Excellency, which merited the approbation of our Government in Madrid. Your Excellency and the Government will know to preserve the liberty of those negroes, as how to take care of their education, without its belonging to the English Government to meddle with in examining, and less in qualifying the treat-

ment they receive. Would that those emancipated in the English colonies, and their colonial people of India, were as happy as the liberated of Cabañas, and, what is more, as the slaves in general of this island! For if, on the part of our Government, it were lawful to show the treatment they receive in Sierra Leone, in Jamaica, in the Windward Islands, and compare it with that which is given them in the Island of Cuba, it does not so profess the principle of exacting, censuring, and intermeddling respecting this act, which is of interior administration not comprehended in the Treaties. Precisely when our Government has resolved definitively the lot of the Emancipados, assuring them of their complete liberty, the Commissioners permit themselves, by order of Viscount Palmerston, to say that the condition of the Emancipados knows no difference from that of slaves. There is a great distance, because the Emancipados are immediately dependent on the Government that delivers them for their education to persons fixed on under certain regulations and guarantees, which assure the possession of liberty and their education; and the slaves depend on their masters, the Government however taking care that their treatment be as mild as our laws establish. There is not, therefore, the illegal duress which the Viscount Palmerston supposes, nor as little the violation of the Treaties in the determination adopted with my counsel of the 31st of May last. We should injure ourselves if we acceded to the demand, and commit a weakness of fatal consequences to the country and to the Government in resolving on the delivery requested. And as, legally, this cannot be exacted, I do not detain myself on the charge that Her Britannic Majesty's Superintendent of Liberated Africans should have of them, because the liberated individuals of Cabañas are not those of Her Britannic Majesty, nor by the benefit of her cruisers, or of her officers, did they obtain the condition in which they are, and that functionary is not recognised but by the English; he does not possess, nor can he enjoy, that title by authority in our territory, for that your Excellency should give him account of your conduct, and make delivery to him of negroes seized and rescued from slavery and captivity, by order of your Excellency. The consul of Her Britannic Majesty, it appears, holds this pompous title, in respect of which, in cases where by declaration of lawful capture negroes have to be sent to English colonies, the English Commissioners address themselves to him and deliver them to him. So be it by all means; such precedents do not serve for that, on account of that title alone, he can be supposed the Superintendent of Spanish Liberated Negroes. Of these the superintendency belongs immediately to your Excellency, in the name of the Supreme Government, and to this only ought you to give account of your conduct for their approbation, and the determination they may think right. I am, then, of opinion that your Excellency should be pleased to answer thus to the English Commissioners, giving information immediately to our Government by the next 'Correo,' with such other observations as may appear becoming, in order that they may have them prepared if, in the name of the English Government, any demand should be made directly on them respecting the matter. Your Excellency may be pleased to determine it thus, or as always most just."

And agreeing with the said opinion I state it to you, gentlemen, for your knowledge, and in reply. God preserve you many years.

(Signed) GERONIMO VALDES.

Third Enclosure in No. 195.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 4, 1841.

WE have received your Excellency's letter of yesterday's date, in answer to ours of the 1st instant, communicating Viscount Palmerston's instructions to us, to demand of your Excellency the negroes of the slave vessel "*Aguila*," for the purpose of being sent to a British colony, and we will take the earliest opportunity of forwarding that reply to Her Britannic Majesty's Government.

We think it but just to the Mixed Court to take this opportunity of stating that we have also received another Despatch from Viscount Palmerston, informing us that having submitted the case of the "*Aguila*" to the Queen's Advocate-General, that officer has returned his opinion that the Mixed Court was right in declining to adjudicate respecting that vessel.

We have, &c.

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

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

No. 196.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 25, 1841.

MY LORD,

(Received December 28.)

DURING the last month the following vessels were despatched hence we believe for Slave Trade:—

October 9. For Monte Video, Portuguese schooner "*Felix Triumberato*."

„ 22. For Madeira, Portuguese schooner "*Segunda Union*."

Besides which, on the 23rd, the Belgian ship "*Luisa*," Captain Lanes, sailed

to Cape Verds with goods, and two other vessels, the Spanish brig "*Carolina*," and the American ship "*Harmony*," sailed the same day, under suspicious circumstances, the former ostensibly for Nicaraguas, and the latter for New York.

These indications of undiminished pursuit of Slave Trade, we regret to add, are further confirmed by the arrivals, as it is reported that nearly 2000 Africans were landed from slave-vessels in the immediate neighbourhood during the month. Of these we have had reported:—

- October 1. Landed at Mariel, on account of Don Ramon Font, from the "*Matancera*," 158 negroes.
 " 3. Landed at Mariel, on account of Don José Mazorra and Co., from the "*Venus*," otherwise the "*Duquesa de Braganza*," 600 negroes.
 " 22. Landed at Bahia-Honda, from the "*Trueno*," under Portuguese colours, 450 negroes.
 " 23. Landed at the same place, from a vessel, name unknown, about the same number.

Our correspondence with the Captain-General respecting these arrivals have formed the subjects of previous Despatches.

In our Despatch, dated 15th of September last, we stated that information had been received here of Her Majesty's Government having demanded of the Spanish Government the delivery of all negroes unlawfully introduced here since the year 1820, which demand had been referred to the Captain-General of this island, and was by him transmitted, for a Report thereon, to the Junta de Fomento, or Association for the Encouragement of Commerce and Agriculture, of which the Captain-General is the president. This Junta has accordingly made the Report, denying that any considerable number of Africans has been introduced in contravention of the Treaty, though it acknowledges that some may have been secretly imported, an assertion similar only to those which the local Government have been in the habit of constantly making, in answer to the remonstrances of Her Majesty's Commissioners, but which every one here knows not consistent with truth. The Report is written in terms somewhat unbecoming, as respects the right of England to interfere with the internal affairs of the island, the writers forgetting that every party to a Treaty has an undoubted claim to see that the provisions of the Treaty are faithfully observed. Other reports have been ordered and obtained on the subject of the proposed Treaty from the Tribunal de Comercio, the Patriotic Society, and the Corporations of Havana, and other principal places. These reports we have not seen, but understand they are, with the exception of the one from the Patriotic Society, all returned in the same spirit as the one first referred to. The Patriotic Society, which is composed almost entirely of Creoles, have however we understand done full justice to the motives of Her Majesty's Government, and approved of the British policy in seeking an effective suppression of the Slave Trade.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen,
 &c. &c. &c.

No. 197.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 31, 1841.

WITH reference to Viscount Palmerston's Despatch to you of the 24th of May last respecting instructions given for the guidance of Her Majesty's cruisers in dealing with vessels under the United States flag, and suspected of Slave Trade, I herewith transmit to you, for your information, a Copy of a further instruction issued upon this subject on the 7th instant by the Lords

Commissioners of the Admiralty to the Admirals commanding Her Majesty's naval forces on the Cape of Good Hope and West India stations, and to the senior officers on the west coast of Africa and the Brazils.

I have, &c.
(Signed)

ABERDEEN.

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

Enclosure in No. 197.

Admiralty Instruction of December 7, 1841,
Enclosed in Admiralty Letter, December 9, 1841.
See Enclosure in No. 52.

RIO DE JANEIRO.

No. 198.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, September 1, 1840.

(Received January 2, 1841.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th of June, 1840, upon the subject of the explanation given by us of the sentence passed by this Court of Mixed British and Brazilian Commission, in the case of the slave-trading vessel the "*Recuperador*."

As in your Lordship's reply you confine yourself to the notice of the irregularity of the ship's papers, and of the existence on board of articles constituting an equipment for Slave Trade, and appear to allow no weight to the other considerations, which we took the liberty of submitting to your Lordship's attention, more particularly to the facts that such equipment was not recognized by the Brazilian Government as a justifiable motive for the detention of their vessels, and that the equipment of the "*Maria Carlota*" was by no means the only, or even principal, ground for the condemnation of that vessel, it does not become us to trouble your Lordship by reproducing such considerations, and we will, therefore, only repeat our sincere regret at finding that the explanation of our conduct in this case has proved unsatisfactory to your Lordship.

We have, &c.
(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

No. 199.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, September 2, 1840.

(Received January 2, 1841.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 20th of June, 1840, informing us that, having referred to Her Majesty's Advocate-General our Despatch of the 8th of April, 1840, reporting the case of the slave-vessel "*Africano Atrevido*," captured by a detachment of soldiers in the Brazilian port of St. Francisco, the Queen's Advocate was of opinion that the Mixed Court of Commission at this place had not, by treaty, any jurisdiction in a case of this nature, and that we were, therefore, right in declining to entertain the case in question.

We beg leave to thank your Lordship for this communication.

We have, &c.
(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

(Extract.)

No. 200.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, October 5, 1840.
(Received January 2, 1841.)*

REFERRING your Lordship to Mr. Grigg's Despatch of the 26th ultimo, we have now the honour to transmit to your Lordship herewith the following Documents in original and translation.

(A.) The Declarations of Commander Smyth, with their respective enclosures, relative to his detention of a Brazilian galliot named the "*Alexandre*," on suspicion of her being engaged in the Traffic of Slaves, on the 2nd of September, 1840, off the entrance of Rio de Janeiro.

(B.) The sentence of the Court, dated the 10th of September, 1840, restoring the galliot to her owners.

(C.) Our Report of the Case, from which your Lordship will perceive that the reasons given by the captor for the detention were considered by the Court as wholly groundless, and that the vessel in question is, and has been for years, a regular coaster between this port and that of Campos.

(D.) A Petition from Lieutenant Woodgate, who acted as Captain Smyth's agent on this occasion, dated the 9th of September, desisting from any further proceedings against this vessel, and praying her immediate restitution.

The "*Alexandre*" was sailing with a passport, in due form, from the present Minister of Marine.

Your Lordship will observe in this sentence the renewed protest of the Brazilian Commissary Judge against the right of British cruisers to detain Brazilian vessels on their outward voyage, so long as the additional Article signed by Mr. Fox shall not be ratified. That ratification being no longer dependent on the legislative body, in consequence of the cessation of the Regency, with the creation of which the restriction requiring the approval of the former originated, it is to be hoped will meet with no further difficulty; the more so, as just before the close of the session, up to which time nothing further had passed on the subject, the Minister for Foreign Affairs applied to the Chamber of Deputies for the return of the original documents, which for the last four or five years have been waiting in their archives for approval, an application which was immediately complied with, without any discussion, and without the formality of its being submitted to the Committee of Diplomacy to report upon.

First Enclosure in No. 200.

(A.)

Captor's Declarations.

I, WILLIAM SMYTH, Commander of Her Britannic Majesty's sloop "*Grecian*," hereby declare, that on this 2nd day of September, 1840, being S.W. $\frac{1}{2}$ S. 23 miles from the Sugar Loaf, at the entrance of Rio Janeiro, I detained the galliot named the "*Alexandre*," sailing under Brazilian colours, armed with no guns, no pounders, commanded by João Gonzalves Leite, who declared her to be bound from Rio Janeiro to Campos, with a crew consisting of 8 men, — boys, supercargo, and one passenger, whose names declared by them respectively are inserted in a list on the other side hereof; and having on board 45 or 47 pipes or large water-casks, being an extraordinary number, ten of which are empty, and the Master not being able to produce a certificate from the Custom-House at Rio de Janeiro, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks should only be used for the reception of palm oil, or for other purposes of lawful commerce, besides which she has on board a large quantity of jerked beef, commonly used as provisions for slaves, which is likewise not contained in her manifest; I therefore directed a survey to be held upon her by certain officers, whose Report is herewith transmitted, and it being their opinion that she was most decidedly engaged in the Traffic in Slaves, I have detained her accordingly.

I do further declare, that I believe this vessel to be directly or indirectly engaged in the illicit Traffic in Slaves, contrary to the terms of the Convention between His Britannic Majesty and the Emperor of Brazil of date 23rd of November, 1826.

List of the Crew and Passenger.

João Gonzalves Leite.	João Luiz da Costa.
Antonio Gonzalves.	Manoel Joaquim.
Antonio Elias.	Ventura do M. João.
Manuel Joaquim da Cunha.	Coronel João Pedro da Silva Ferreira, passenger.
Vicente Ferrara.	

(Signed)

WM. SMYTH, *Commander, H. M. Sloop Grecian.*
N. B. PEARCE, *Master, H.M.S. Grecian.*
JOHN MUNRO, *Surgeon, H.M.S. Grecian.*

SIR,

Her Majesty's Sloop "Grecian," September 2, 1840.

WE, whose names are hereunto subscribed, in compliance with your order of this date, have been on board the Brazilian galliot "*Alexandre*," and taken as strict and careful a survey of all on board as is possible without disturbing the cargo, and find as follows.

Her principal cargo consists of about 45 leaguers or water-casks, 2 being filled with fresh water, 8 empty, the remainder filled with salt water; also a very large quantity of jerked beef, such as slaves are generally fed with, 6 bags of rice, 3 of farina, 1 calavances, 4 very large empty cases, sufficient with the addition of a few rough spars also on board to make such a partition or bulk-head as was found erected in the slave-vessel last captured on this coast; also, 1 case, said to contain snuff, 2 casks of tobacco, 2 of tar, 1 of pitch, and 3 coils of rope; she has one suit of sails bent, sufficiently good to perform a voyage to the coast of Africa, the rigging complete and in good condition, 1 sound long-boat, 4 anchors, and 2 chain cables, and 1 grass cable. We also observe she is fitted with a much larger hatchway than is necessary for a vessel of the same size, which is fitted for gratings; there is also a large plank-house on deck, unnecessary for the accommodation of the crew, as there is very large accommodation for them below.

Viewing the vessel generally and her cargo, it is our opinion she is most decidedly engaged in the Slave trade.

Given under our hands on board the "*Alexandre*," this 2nd day of September, 1840.

(Signed)

CHAS. T. WADE, *Lieutenant*.
THS. WOODGATE, *Lieutenant*.
N. B. PEARCE, *Master*.

Commander William Smyth.

I, WILLIAM SMYTH, Commander of Her Britannic Majesty's Sloop "*Grecian*," hereby certify, that on this 2nd day of September, 1840, being S.W. $\frac{1}{2}$ S. 23 miles from the Sugar Loaf, at the entrance of Rio Janeiro, I detained the galliot named the "*Alexandre*," sailing under Brazilian colours, armed with — guns — pounders, commanded by João Gonzalves Leite, who declared her to be bound from Rio Janeiro to Campos, with a crew consisting of 8 men, — boys, supercargo, and 1 passenger, and having on board 45 or 47 pipes or large water-casks, being an extraordinary number, 10 of which are empty, and the Master not being able to produce a certificate from the Custom-House at Rio Janeiro, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks should only be used for the reception of palm oil, or for other purposes of lawful commerce; besides which, she had on board a large quantity of jerked beef, commonly used as provisions for slaves, which is likewise not contained in her manifest: I therefore directed a survey to be held upon her by certain officers, whose Report is herewith transmitted, and it being their opinion that she was most decidedly engaged in the Traffic in Slaves, I have therefore detained her.

I do further declare that I believe this vessel to be directly or indirectly engaged in the illicit Traffic in Slaves, contrary to the terms of the convention between His Britannic Majesty and the Emperor of Brazil of date 23rd of November, 1826.

And that the papers and documents seized by me on board the said vessel are now brought and delivered up in the same plight and condition as when received by me, without any fraud, addition, subduction, or embezzlement whatever, save the marking and numbering thereof.

(Signed)

WM. SMYTH, *Commander*.

Papers from No. 1 to No. 8.

(Signed)

WM. SMYTH.

About 45 large casks or leaguers.
Ditto 400 arrobas of jerked beef.
6 bags of rice.
3 bags of farina.
1 calavances.
3 coils of rope.
1 barrel of pitch.
2 ditto of tar.
4 large empty cases.
1 case of snuff.
Rough spars and plank.
1 long boat.
4 anchors, 2 large and 2 small.
2 chain cables, 1 grass ditto.
1 set of sails and rigging complete.

The above we certify to have been found on board the detained vessel "*Alexandre*," the 2nd of September, 1840.

(Signed)

CHAS. F. WADE, *Lieutenant*, }
THOS. WOODGATE, *Lieutenant*, } *H. M. S. Grecian*.
N. B. PEARCE, *Master*, }
JOAO G. LEITE.

Second Enclosure in No. 200.

(B.)

(Translation.)

*Sentence.**Rio de Janeiro, September 10, 1840.*

THE present proceedings respecting the capture of the Brazilian galliot "*Alexandre*," on leaving this port, by the British brig of war "*Grecian*," William Smyth commander, on suspicion of being directly or indirectly engaged in the traffic in slaves, being examined, the Brazilian Commissary Judge, although he continues to protest against the right which the commanders of the British ships of war pretend to assume of detaining Brazilian vessels on leaving this port, without the cases in which such detention may be practised being sanctioned and mutually recognised by the two Governments, yet agrees with his colleague, the British Commissary Judge, with reference to the circumstances in which the vessel in question is found, in adjudging, as they both do, the detention of the same to be illegal, since, even if these cases were already recognised, the galliot in question, navigating for years past between this port and that of Campos, and having been employed, as is well known, in the coasting trade, could not in any way afford sufficient grounds for the suspicion of her being even indirectly employed in the traffic of Africans, inasmuch as the casks and large quantity of beef which were found on board of her; the indications on which the commander of the brig of war rested to detain and bring back the vessel to this port, could in no case of themselves alone lead to such a presumption, it being fully ascertained that the casks, some of which had been used for conveying wine, were sent to that port (Campos) to be filled with rum, as is the common practice, and others having already come here with molasses, were returning for the same purpose; and finally, that the beef belongs in part to the proprietors of the sugar factories of that place, and the other part was destined for the consumption of the inhabitants of the city of Campos.

Wherefore, seeing what has been set forth, the same Commissary Judges adjudge the detention of the said galliot to be illegal, and declare her to have been unduly captured by the brig of war "*Grecian*," and order her to be released and immediately delivered up to her lawful owners.

(Signed)

JOAO CARNEIRO DE CAMPOS.
GEO. JACKSON.

(A true copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.,
Interpreter to the Commission.

Third Enclosure in No. 200.

(C.)

Report of the case of the Brazilian galliot "Alexandre," detained by Her Majesty's brig of war "Grecian," William Smyth, Commander.

Rio de Janeiro, October 5, 1840.

THIS vessel sailed from Rio de Janeiro for Campos, on the 1st of September, 1840, with water in pipes for ballast, and furnished with a passport, in due form, from the Minister of Marine.

On the following day, when distant from the entrance of this harbour about 23 miles, she was detained by Her Majesty's brig of war "*Grecian*," William Smyth commander, on suspicion of being engaged in the traffic of slaves, who, on the 3rd of September, brought the papers belonging to her into Court, and ratified the same on oath.

The usual monition, according to the forms of this country, having issued, the master and boatswain of the "*Alexandre*" were examined.

The first, João Gonçalves Leite, a Brazilian subject, swore, that he is master of the Brazilian galliot "*Alexandre*," and that the vessel was bound to Campos for the purpose of bringing thence a cargo of sugar, rum, coffee, wood, and molasses; that the 40 and odd pipes on board, some of which were filled with water and others empty, were intended as ballast, and that some were empty, not being required for that purpose, and that the whole belong to João Maria Collaço, who intended those with wooden hoops for rum, and those with iron hoops for bringing molasses to this place; that the large quantity of jerked beef on board belonged to several shippers at this place, and was to be delivered to various persons at Campos; that he had neither irons nor tubs for the use of blacks, as the officers who made the search were aware; that the vessel had been constantly employed in the coasting trade between Rio de Janeiro and Campos, carrying always the produce of the country, as he could show by a certificate "We, the undersigned, of this place;" that he bought the vessel, in May 1838, from Platt and Reid, an English house in Rio de Janeiro; that the casks with wooden hoops had served for carrying wine, and those with iron hoops for holding molasses; that he intended to lay on his vessel at Campos for freight, and to bring to this place whatever might offer. And on its being observed to the witness that the cargo on board is not declared in the manifest, he answered that such declaration was not necessary, as he was bound to a port within the province, and that he had the despatches ready to be delivered to the collector at Campos, this course having been followed several times before, and that his agreement with the crew was for ten milreis each, if they left the vessel at Campos, he advancing part of the same.

The second, Antonio Gonçalves Leite, swore that he is boatswain on board of the "*Alexandre*," and that he is a Brazilian subject; that the vessel was bound to Campos for the purpose of bringing from thence sugar, rum, or any other merchandize that might offer; that some of the casks found on board were to carry rum, and others molasses; that part of the jerked beef on board was shipped by

various persons on account of certain proprietors of sugar factories at Campos, and the remainder to be sold in that port; that he has belonged to this vessel for six years, since the time when she was the property of Platt, an English merchant, and naturalized Brazilian subject.

On the 9th of September, Lieutenant Woodgate, as Commander Smyth's agent, desisted from any further proceedings against the "*Alexandre*," and prayed that the Commissary Judges would be pleased to order that the said galliot should be immediately restored; and, on the 10th of September, they being of opinion that no grounds whatever existed for her detention, signed sentence of immediate restitution to her owners.

(Signed)

GEO. JACKSON.
FRED. GRIGG.

Fourth Enclosure in No. 200.

(D.)

(Translation.)

*Captor's Proctor's Petition.**Rio de Janeiro, September 9, 1840.*

LIEUT. WOODGATE, of Her Majesty's brig "*Grecian*," and as attorney for Commander Smyth in the proceedings before this Mixed Commission, in respect to the Brazilian galliot "*Alexandre*," says that the same was detained on this coast, on the 2nd of the present month, in consequence of the suspicious facts declared by the said Commander Smyth when he commenced this suit before this Commission on the 3rd instant; and the petitioner now declares that, under the circumstances of this detention, he, on behalf of the said Commander Smyth, desists from any further proceeding against the parties interested in the said galliot "*Alexandre*," and prays that the illustrious Commissary Judges will be pleased to order that the same be immediately restored.

(Signed)

THOMAS WOODGATE.

(A true translation)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.,
Interpreter to the Commission.

No. 201.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, October 12, 1840.**(Received January 2, 1841.)*

MY LORD,

ON the 31st of August, 1840, a vessel arrived in this port, prize to Her Majesty's brig of war "*Wizard*," under the name of "*Idalia*;" and on the 2nd of September, late in the day, Lieutenant Birch, commanding the "*Wizard*," brought into Court the papers of the patacho "*Paquete de Benguela*."

From the declarations of Lieutenant Birch, which he then ratified on oath, and copies of which we have the honour to enclose herewith, it appears that this patacho was detained on the 29th of August, 1840, in or about latitude 23° 20' South, longitude 46° 4' West, with 280 Africans on board, and that she was then sailing under no colours, but a passport, which she had obtained from the Governor of Benguela, declared her to be the Portuguese patacho "*Paquete de Benguela*," bound for Montevideo, touching at Hanha.

She had further a document, also obtained at Benguela, purporting to be a certificate of register, but evidently so irregular and inaccurate as to be deserving of no credit.

The sentence of the Court, condemning the vessel and emancipating the Africans on board, and our report of the case, both hereunto annexed, will put your Lordship fully in possession of the particulars of this capture.

As stated in Mr. Grigg's Despatch to your Lordship of the 26th ultimo, this sentence was agreed upon between the British and Brazilian Commissary Judges a fortnight before the actual date which it bears; but, owing to the illness of the former, his signature and other requisite formalities were necessarily delayed till the 28th.

The only circumstance which remains to be mentioned is the escape of the master and boatswain of this vessel. For the particulars of this transaction we beg to refer your Lordship to the enclosed copy of a letter addressed by Commander Birch to Her Majesty's Commissary Judge, dated the 6th of September. It is not for us to make any comment on this escape, but, lest the wording of Commander Birch's letter should convey an erroneous impression, it is right to say that if the officer, in whose charge the prisoners were, did

“not observe the guard at the slip,” it must have been from his not having approached sufficiently near, as both the Marshal of the Court and the Brazilian guard were in attendance at that particular spot for hours, waiting the arrival of the prisoners.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 201.

Captor's Declaration.

I, THOMAS FREDERICK BIRCH, commander of Her Majesty's brig "Wizard," hereby declare that, on this 29th day of August, 1840, being in or about latitude 23° 20' south, longitude 46° 4' west, I detained the brigantine named the "*Paquete de Benguela*," sailing under no colours, and had no guns on board, commanded by Francisco Pereira Nunes, who declared her to be bound from Benguela to Montevideo, with a crew consisting of 12 men, 1 boy, and 4 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 284 slaves, said to have been taken on board at Benguela on the 31st day of July, 1840, and are enumerated as follows, viz.,

	Healthy	Sickly
Men	95	5
Women	52	3
Boys	59	4
Girls	60	6

I do further declare that the said brigantine appeared 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 Rio de Janeiro.

I do further declare that she has hatches fitted with iron bars, temporary bulkheads made of hide, in lieu of slave-deck hides over the water-casks, a quantity of baskets used for farinha in place of mess-kids, and a large boiler unshipped, the cook-house having been thrown overboard during the chase to lighten the vessel. Many of the Africans are branded thus—

F. L. 2. F. X. 3. 8.

List of the Crew.

Francisco Pereira Nunes, master.
Luis Caetina, boatswain.
Antonio Maria d'Oliveira, seaman.
Jozé Marques da Costa, ditto.
João da Silva, ditto.
João Pedro do Sperte Santo, ditto.
Severino Jozé do Pinho, ditto.
Francisco Jozé da Silva, ditto.
Vincente Pereira Nunes, boy.
Manoel Pereira dos Santos, seaman.
João Nunes, } Africans.
Antonio Fereira, }
Roderigo Marques, } Seamen not entered in
Francisco Shevia, } the muster-roll.

List of Passengers.

Francisco de Reis.
Braz Antonio Coutinho.
Manoel Velloso da Rocha.
Antonio Jozé Ferreira de Souza.

(Signed) E. F. BIRCH, *Lieutenant and Commander.*
WILLIAM ELLIS, *Second Master.*
JOHN FINDLAY, *Assistant Surgeon.*

Second Enclosure in No. 201.

I, THOMAS FREDERICK BIRCH, commander of Her Britannic Majesty's brig "Wizard," hereby certify, that, on this 29th day of August, 1840, being in or about latitude 23° 20' south, longitude 44° 6' west, I detained the brigantine named the "*Paquete Benguela*," who showed no colours, and had no guns on board, commanded by Francisco Pereira Nunes, who declared her to be

bound from Benguela to Montevideo, with a crew consisting of 12 men, 1 boy, and 4 passengers, and having on board 284 slaves, viz. :—

	Healthy.	Sickly.
Men	95	5
Women	52	3
Boys	59	4
Girls	60	6

And that the papers and documents seized by me on board the said brigantine, being marked No. 1, are enumerated in the following list, viz. :—

No. 1. A bundle in one silk bag (sealed).

(Signed) T. F. BIRCH, *Commander.*
 WILLIAM ELLIS, *Second Master.*
 JOHN FINDLAY, *Assistant Surgeon.*
 FRANCISCO PEREIRA NUNES,
Capitaine do patacho "Paquete de Benguela."

Third Enclosure in No. 201.

OUR Sovereign Lady the Queen Victoria against the patacho "*Paquete de Benguela,*" Francisco Pereira Nunes, master, her tackle, apparel, and furniture, and the goods, wares, merchandise, and slaves on board the same, taken by Her Majesty's brig "*Wizard,*" Thomas Frederick Birch, Esq., commander, and brought to Rio de Janeiro.

Appeared personally Thomas Frederick Birch, Esq., commander of Her Majesty's brig of war "*Wizard,*" duly authorised and empowered according to the provisions of the existing Treaties between Her Britannic Majesty and the Emperor of Brazil to make seizures of vessels engaged in the Slave Trade, being duly sworn, maketh oath that, on the 29th day of August, 1840, being in or about latitude 23° 20' south, and longitude 44° 1' west, he seized and detained the vessel called the "*Paquete de Benguela,*" whereof Francisco Pereira Nunes was master, by the reason that the said patacho was employed in the traffic of slaves contrary to existing Treaties entered into with Her Britannic Majesty and the Emperor of the Brazils; and the deponent farther maketh oath that the papers, writings, and documents hereunto annexed, marked , were given or delivered up to this deponent by the master of the said patacho, and that the same 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, saving the numbering and marking thereof. And I further declare that the parcel of letters marked No. 2 were found in the master's chest on searching it on the 1st of September, 1840, previous to his removal to Her Majesty's ship "*Crescent.*" Also that logs and papers, marked No. 3, were found in the master's bed-place. Also that the letter and conchecimento were taken from the person of Antonio Jozé Ferreira de Souza on removal to the "*Crescent.*"

I have also to state, from the impossibility of counting the Africans correctly at sea, a mistake has arisen, and that the following is the correct list :—

Men	59
Women	52
Boys	108
Girls	61

Fourth Enclosure in No. 201.

(Translation.)

Sentence.

Rio de Janeiro, September 28, 1840.

By the present proceedings it is seen that the patacho "*Paquete de Benguela,*" taken with a passport from the Governor of Benguela for Montevideo, touching at Hanha, by the British brig of war "*Wizard,*" Thomas Frederick Birch commander, on the 29th day of last month, in latitude 23° 20' south, longitude 44° 6' west, for having on board 280 Africans, is precisely the same patacho which sailed from this port in April of the present year, with clearances for Lisbon by way of Angola, under the name of "*Idalia,*" prepared and fitted out by her real, or fictitious, owner, Albino Pinto de Carvalho, a Portuguese subject, then resident in this place, as is proved by the certificate of the Portuguese Consulate, by which it is also seen that this same vessel had already made another voyage to the coast of Africa under this same name, and commanded by Francisco Pereira Nunes himself, who has now come in her as master. That proceeding on the present voyage direct to Benguela, the vessel was there pretended to be sold to Manoel Joaquim Teixeira, and Jozé Joaquim Teixeira, to be by them despatched, as their property, in ballast, for Montevideo; that outside the bar she received the Africans who were found in her, and that she was on her way with them direct to the ports of Brazil.

That the patacho in question is, in fact, the same patacho "*Idalia,*" purchased here for the former voyage and the present, is proved by the certificate of registry itself passed in Benguela. That her object was the traffic in Africans is evident by their being on board, and that they were on their way to this province is to be inferred, not only from the vessel's course, but also from the contents of some letters found on board in the act of her detention, in one of which even the person to whom the vessel was addressed is referred to: all such circumstances causing the well-founded suspicion that this vessel

and her adventure belong in reality to persons residing here, and that the pretended sale to the Teixeiras in Benguela was for no other purpose than to make it appear that she was no longer the property of Albino Pinto de Carvalho, who was residing here when he purchased and despatched the vessel to that port, but the property of the former individuals residing there, in order thus to withdraw her from the consequences of the instructions by which this Mixed Commission has of late been guided, a fraud so common in transactions of this nature, and in regard to the colours of the vessels so employed, that even in one of the letters already cited, it is therein enjoined to put a certain schooner "Eliza," belonging to that place, and which was navigating with the Portuguese flag and papers, under Brazilian colours, in order to avoid the risk to which the vessels of that nation employed in this illicit traffic were now subject.

To all these circumstances to warrant the disbelief in the sale of the patacho in question, and to deprive it of all force and effect whatever, is to be added the suspicion arising from the aforesaid Teixeiras having already, on more occasions than one, figured as men of straw in transactions similar to the present, and also from the total want of documents to prove the sale, inasmuch as the certificate of registry annexed to this process, although it might have been sufficient if executed in due form, and corroborated by other documents, establishing the national character of the vessel and the right of property in the same, in the present instance in which the incorrectness of that register as compared with the certificate of the Portuguese Vice-Consul is ascertained, is also not corroborated, as would be indispensable, by any other document, such as the bill of the pretended sale to the aforesaid Teixeiras, without the production of which they cannot be considered as the owners and possessors.

Wherefore seeing what has been set forth, and without entering into a more minute analysis in order to show that the patacho in question and her cargo belong to subjects of this empire, the Commissary Judges, by the simple fact that she was purchased and fitted out here, as has been demonstrated, and because the sale at Benguela cannot be considered legal, but was in reality simulated, as is very well known in such transactions, and finally, from the conviction that the Africans are destined for this province of Rio de Janeiro, the master being interested therein, and even charged with the sale of some of them (as was deposed by a witness, and as appears by a letter in the process), who, when summoned before this Commission in order to be interrogated, afforded by his escape a further irrefragable proof of his criminality, adjudge the detention of the aforesaid patacho "Paquete de Benguela," formerly "Idalia," to be lawful, and the same to be good prize to Her Britannic Majesty's brig of war "Wizard," and condemn her and all the cargo on board in virtue of the Additional Convention of the 28th of July, 1817, of that of the 23rd of November, 1826, and of the Instructions of 1835, with exception of the surviving Africans, to the number of 274, whom they declare to be free and emancipated, to be placed at the disposal of the Government of His Majesty the Emperor, in virtue of the 7th Article of the Regulation annexed to the aforesaid Convention of 1817.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEO. JACKSON.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Fifth Enclosure in No. 201.

Report of the Case of the "Paquete de Benguela," Francisco Pereira Nunes, Master.

THIS vessel sailed, in ballast, from Benguela, with a passport for Monte Video, to touch at Hanha, from the Governor of Benguela, dated 1st of July, 1840, and was captured by Her Majesty's brig-of-war "Wizard," Lieutenant Birch commanding, on the 29th of August, 1840, in or about lat. 23° 20' S., long. 46° 4' W., with 280 Africans, who, it appears, were taken on board outside the bar the day after the vessel left Benguela. She had cleared out from Rio de Janeiro on the 4th of April, 1840, for Lisbon, *via* Benguela, under the name of "Idalia," with a passport given by the Governor of Angola, Antonio Manoel da Noronha, on the 9th of August, 1839, with which she had arrived at Rio de Janeiro in the interim, and to which the Portuguese Vice-Consul affixed the visé, a copy of which is here annexed.

She was further provided with a certificate of register, also obtained at Benguela, dated the 1st of August, 1840, declaring her to be Portuguese built, that she had been Portuguese property before the year 1836, and that she had been sold, in June last, to two Portuguese subjects, resident at Benguela, Manoel Joaquim Teixeira and Jozé Joaquim Teixeira, who changed her name from "Idalia" to that of "Paquete de Benguela."

The usual monition, according to the forms of this country, having issued, the depositions of the master and boatswain were about to be taken, when both these individuals made their escape, and there remained only for examination a common sailor and two passengers.

The first witness, Rodrigo Marques, a white man, 40 years of age, single, native of Aveiro, a Portuguese subject, who gains his livelihood by going to sea, and is at present a sailor on board the patacho "Paquete de Benguela," swore that his name was not entered on the muster-roll on account of his being ill at the time it was made, but that he asked the captain to take him as a sailor; that he left this for Benguela in the same vessel, then called "Idalia," as a sailor, but that he does not know to whom she belonged; and that he made his agreement, not for the round voyage, but to Benguela only, at 20,000 reis per month, with the same captain that now came in her, Francisco Pereira Nunes, who, he understood, was interested in her; and, on being questioned as to a letter addressed to the captain, by which it appears that he, deponent, received 3 slaves to be delivered to the former, when the patacho should arrive at her destined port, declared that he did not receive any such blacks, and that he, Rodrigo Marques, brought no cargo in this vessel either on his own or any other person's account; that he understood, from the name being changed to "Paquete de Benguela," that she had been sold to persons residing at Benguela, but he did not know by whom; that she cleared out for Monte Video; that his wages were 20 milreis per month; that he did not know she was to bring

slaves, of which he was only aware when he saw them on board, and that the captain never told him, nor is it customary to acquaint sailors with the real destination of the vessel; that he only knew this one from the voyage he made in her to Benguela in April last; that he had been in Brazil from four to five years, when he came, for the first time, to Rio de Janeiro or Brazil; that he arrived from Lisbon in the Portuguese ship "*San Gualter*;" that he did not recollect in what year, but that Dom Miguel had already left Portugal; that he again returned to Lisbon in the same vessel, where he staid two years, proceeding afterwards to Bahia in the ship "*Dom Alfonso*;" from thence he again returned to Lisbon, where he stopped on shore two years more, and finally came here in the barque "*Conde de Palma*," sailing from this about a month afterwards in this patacho under the name of "*Idalia*."

This witness, again affirming that he had never made any voyage to the coast of Africa except the one above mentioned, was shown a document passed by the Portuguese Consulate at this place, proving him to have come from Angola in 1836, as sailor in the brig "*Jehova*."

The second witness, Braz Antonio Coutinho, a white man, 30 years of age, married, native of Lisbon, Brazilian subject, gets his livelihood in business, swore that he was a subject of Brazil, having come here previous to its independence; that he has since continually resided here, making sundry voyages to the coast of Africa, as well as to Brazilian ports; that in these voyages to the coast of Africa he traded in mats, oil, and wax; that he never brought any slaves, those voyages having been made since the prohibition, and that, for that reason, he would never run the risk of trading in slaves; that he did not know to whom those on board this vessel belonged; that she cleared out with a passport for Monte Video, and that the same were shipped outside of the bar the day following their departure; that he took his passport for Monte Video, whither the master told him they were actually bound; that he did not know who was the owner of this patacho, either here or in Benguela, and that he sailed from hence for the coast of Africa in a Brazilian sumaca on the 28th of May last.

The third witness, Antonio Jozé Pereira de Souza, a white man, 38 years of age, single, native of Portugal and a Portuguese subject, gets his livelihood by trade, swore that he came to Brazil in the year 1827; that from hence he went to Rio Grande, whence he returned in consequence of the disturbances there; that he afterwards went to Portugal, and, returning from that country, sailed for Benguela in the Brazilian barque "*Andorinha*" in June of the present year, for the purpose of trading in ivory and wax, and that, stopping there but a short time, he left his funds in the hands of a friend, to employ them as a favourable opportunity might offer, or to remit them to him in money; that he now returned in this patacho "*Paquete de Benguela*," bound for Monte Video; that he did not know who were her owners, but that he understood she was sold in Benguela, and that the owners were the captain, Francisco Pereira Nunes, and a passenger, who remained behind; that he was not aware, when he sailed from Benguela, that she was to bring slaves, and only suspected it, and that their destination was for Brazil, though the captain always affirmed that it was for Monte Video; that he does not know to whom the slaves on board belong, and that he never was employed in such business; that he returned from Rio Grande in 1835 or 1836, and continued here and in the neighbourhood until 1838, when he went to Oporto, from whence he returned after an absence of six months, and that from that time until his departure for Benguela, he was in partnership in a store in this city. This statement was found to be untrue by the production of a document passed by the Portuguese Consulate at Rio de Janeiro, proving him to have arrived in the brig "*Minerva*" in 1837. A further contradiction appeared between his passport and his petition to the Governor of Benguela for the same, which declared him to be clear to pursue his voyage in the "*Paquete de Benguela*" to the Cape de Verd Islands, neither of which contradictions could he satisfactorily account for.

No claim was made for the vessel, but Mr. Hesketh, as Proctor for the captor, put in a paper, a translation of which is hereunto annexed, together with the principal documents to which it refers, and the proceedings of the Court having been suspended from the 14th to the 28th, by the illness of the British Commissary Judge, sentence was passed on the latter day, condemning the "*Paquete de Benguela*" as good prize to Her Majesty's brig-of-war "*Wizard*," and emancipating the surviving slaves.

(Signed)

GEO. JACKSON.
FRED. GRIGG.

Rio de Janeiro, 12th October, 1840.

Sixth Enclosure in No. 201.

(Translation.)

Annex No. 1 to Report.

ILLUSTRIOUS COMMISSARY JUDGES OF THE MIXED COMMISSION, &c., &c.

ROBERT HESKETH, as proctor for the Captor of the patacho "*Paquete de Benguela*," says that it was not possible for him to obtain before to-day, the 14th of the present month of September, the annexed certificate of the General Consulate of Portugal at this Court, by which the petitioner wished to prove the last paragraph but one of the document, in which he pretends to show that the patacho "*Paquete de Benguela*" cannot be considered a Portuguese vessel; and since it appears that the said certificate contains other matters proving the irregularities committed in Benguela, with respect to the despatching of the said patacho, therefore he asks the indulgence of you, Gentlemen, to allow the annexed certificate to be added to the process of the said patacho.

Answer of the Court to the above.

Rio de Janeiro, September 18th, 1840.

Let it be added to the process.

(Signed)

CARNEIRO.
G. JACKSON.

A true translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Junr.

Interpreter to the Commission.

Seventh Enclosure in No. 201.

(Translation.)

Rio de Janeiro, September 14, 1840.

I, FRANCISCO JOAO MONIZ, Vice-Consul, in charge of the Portuguese General Consulate in Rio de Janeiro, certify, that on examining the Book of Despatches of vessels cleared by this Consulate, is found in it, at p. 60, the clearance, on the 1st of April of the present year, of the patacho "*Idalia*," containing as follows:—

"Palacho '*Idalia*' for Lisbon by Benguela, carries the passport with which she entered from Angola, passed in Loanda on the 29th of August, 1839, signed by the Governor of that province, Antonio Manoel de Noronha; proceeds with the same passport, because having petitioned for another document as is required by law that Governor would not give any other than the passport with which she at present proceeds with the following visé:—'Good to proceed on her voyage to Lisbon by Benguela with the cargo mentioned in her manifest, and also with the persons named in her muster-roll, this passport being to be presented in order to its being made useless, and to her providing herself with the legal and necessary documents as required by law, being valid only as far as Benguela.—Consulate-General of Portugal, 1st of April, 1840. FRANCISCO JOAO MONIZ, Vice-Consul.'"

This is what the register contains to which I refer, in faith of which I sign the present, and seal it with the seal of this Consulate.

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Eighth Enclosure in No. 201.

(Translation.)

*Argument of the Captor's Proctor.**Rio de Janeiro, September 11, 1840.*

THE patacho "*Paquete de Benguela*," detained on the 29th of August, 1840, by Lieutenant Birch, commander of Her Britannic Majesty's brig "*Wizard*," with Africans on board, was met about Cape Frio, and during the chase that followed, made for the Bar of Marambaya, and was captured nearly in that latitude. The vessel had sailed from Benguela in ballast, and received the Africans a few hours after she had sailed from that port as the witnesses declared, and by her log directed her voyage steadily for Cape Frio. By the correspondence found on board, it is evident that the patacho had a cargo of slaves, and intended to land them on some part of the coast near to Rio de Janeiro. The plan, therefore, of the voyage is clearly proved, notwithstanding the declarations of the witnesses, and notwithstanding the impossibility of the patacho being able to prolong her voyage beyond the neighbourhood of Rio de Janeiro, in consequence of the exhausted state of the water and provisions on board, and for these reasons it is needless to make any further observation either upon the criminality of the voyage, or that of those interested as well in the Africans as in the vessel.

What seems most essential is to give a true description of the manner in which the patacho "*Paquete de Benguela*" was navigating with the Portuguese flag, clearly endeavouring to escape under such flag from the jurisdiction of this Mixed Commission.

By the register, dated Benguela, 1st of August, 1840, it is wished to be proved that in June last, Manoel Joaquim Teixeira and Jozé Joaquim Teixeira bought this vessel in Benguela from Albino Pinto de Carvalho, a person residing at Rio de Janeiro, the vessel having arrived from that port under the name of the "*Idalia*."

But this declaration is not proved by any copy of bill of sale, or title of property, a document which is not only required by the law that regulates the Portuguese mercantile navigation; but if it was not a fictitious sale, would be requisite for the legal and ordinary security of the new proprietors, particularly as the vessel was returning to the country to which she had appertained.

Other reasons exist to prove the fictitious sale of the patacho in Benguela, viz. M. J. Teixeira and A. J. Teixeira have repeatedly appeared as owners of vessels condemned by this Mixed Commission, it being proved that such vessels belonged to other owners residing at Rio de Janeiro; the boatswain and six other persons of the crew of the "*Paquete de Benguela*" are the same which sailed from hence in April last when she was the "*Idalia*." Francisco Pereira Nunes comes as captain of the "*Paquete de Benguela*," and is the same that sailed from hence in the same vessel under the name of "*Idalia*," in June 1839; and the witness Rodrigo Marques declares that he agreed with this same Nunes as sailor, when the "*Idalia*" again sailed from here to Africa in April last, saying at the same time that he considered this same Nunes as interested in the patacho; a former owner and master thus continuing in the patacho after a change of both the proprietors and voyage, which is a contradiction, showing the sale in Benguela to be fictitious as well as the voyage to Montevideo.

By the enclosed documents, Nos. 1 and 2, and by the other, it is seen that the patacho "*Idalia*" sailed from Rio de Janeiro for Cape Verd and Angola on the 30th of June, 1839, arrived from Angola in ballast on the 6th of December, 1839, and sailed for Lisbon and Benguela on the 4th of April, 1840; it is by this seen that this vessel has been employed in the unlawful trade between Rio de Janeiro and the coast of Africa; that Rio de Janeiro has been the residence of her owner, and the port where she was fitted out for the voyage.

What further shows the sale in Benguela to be fictitious, is the declaration of the witness Rodrigo Marques, that though he knew the Captain Nunes as interested in the "*Idalia*" when he made his agreement at Rio de Janeiro, and when the patacho was fitted out for the voyage, he does not know who made the sale of the same patacho in Benguela; he (Marques) being then on board, not as part of the crew, but as consignee of slaves existing on board, which had been shipped on account of persons residing at Rio de Janeiro, as is proved by letters added to this process.

From this a clear conviction is drawn that the patacho "*Idalia*" sailed from Rio de Janeiro for the

coast of Africa, employed in a speculation which had its commencement at Rio de Janeiro, and that it was intended to complete it in the neighbourhood of the same port by the same vessel under another name, so as to conceal the transaction; and so great was the apprehension of the consequences or dangers of this transaction, that at page 63 of the Process is found a draft for a protest, to be used in case the patacho should be met with and detained by a vessel of war.

But the interested parties will not find the protection they expected from the declarations of the register of the "*Paquete de Benguela*." That document, besides its not being substantiated with the bill of sale mentioned in it, has another declaration that the vessel is of Portuguese build, referring to a certificate given at Rio de Janeiro, dated on the 1st of April last, which does not appear to have been given by the Portuguese Consulate; and in fact the patacho is of American build, having been formerly a pilot-boat on the River Chesapeake.

Therefore all the allegations that pretend to withdraw the patacho "*Idalia*," that sailed from this port in April last, from the jurisdiction of this Mixed Commission, are false; and on the contrary the facts clearly prove and demonstrate that the patacho "*Idalia*" has been employed in the Slave Trade between Rio de Janeiro and the coast of Africa, the vessel belonging to the port of Rio de Janeiro, the true owners concealing themselves, and appearing as such Albino Pinto de Carvalho, whom nobody knows; and finally with the same view simulating a sale at Benguela.

In the last place, the escape of the Master Nunes and of the boatswain shows the dread of a just sentence.

From these observations the conviction is drawn, that the patacho "*Paquete de Benguela*" is a vessel belonging to Rio de Janeiro, illegally covered with the Portuguese flag, and employed in the Slave Trade with Africa.

(Signed) ROBERT HESKETH.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

The Commissary Judges,
&c. &c.

Ninth Enclosure in No. 201.

(Translation.)

Certificate of Portuguese Consul.

I, FRANCISCO JOAO MONIZ, Vice-Consul, in charge of the Portuguese Consulate-General of Her Most Faithful Majesty at Rio de Janeiro, hereby certify, that in the archives of this Consulate there exists the bill of sale of the Portuguese patacho called "*Idalia*," and the following is found respecting what the petitioner requests:—

Albino Pinto de Carvalho, a Portuguese subject, resident in this place, bought on the 18th of June, 1839, the Portuguese brig "*Triunfo*," to which he gave the name of "*Idalia*," as is seen by the same bill of sale, and sailed for Lisbon, touching at Angola on the 4th of April, 1840, this being her second voyage as the "*Idalia*," whose muster roll is as follows:—Master, Ignacio Soares de Simas Fayalense, 25 years of age, native of Fayal, single, Portuguese; mate, Francisco Ignacio Pereira, 43 years of age, single, Portuguese; boatswain, Luiz Caetano, 25 years of age, of Lisbon, single, Portuguese; student, Vicente Pereira Nunes, 16 years of age, of Fayal, ditto; carpenter, Antonio Jozé Pinto, 23 years of age, of Oporto, single, ditto; sailor, Severino Jozé de Pinho, 23 years of age, of Oporto, ditto, ditto; Jozé Marques da Costa, 24 years old, of Lisbon, ditto, ditto, ditto; Joao Simoens, 30 years of age, of ditto, ditto, ditto; Frederico Manoel, 24 years of age, ditto, ditto, ditto, ditto; Rodrigues Marques, 40 years of age, of Aveiro, ditto, ditto, ditto; Manoel Jozé Moreira, 27 years of age, of Oporto, ditto, ditto; boy, Jozé Francisco de Lacerda, 30 years of age, of the island of Pico, married, ditto, ditto, ditto; Manoel Pereira dos Santos, 24 years of age, of Lisbon, single ditto; Joao, black, of Benguela, slave of Francisco Ignacio Pereira, ditto; Crispin, of Angola, slave of Albino Pinto de Carvalho.

In faith of which I have passed the present, signed by me, and sealed with the seal of this General Consulate of Portugal at Rio de Janeiro, 9th of September, 1840.

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Tenth Enclosure in No. 201.

Extract from the "Despertador" Newspaper of this City, dated July 1, 1839.

Sailings on the 30th of June.

For Cape Verd and Angola the Portuguese patacho "*Idalia*," 70 tons, Captain Francisco Pereira Nunes; crew 15; general cargo; passengers Portuguese, Gaspar Baptista Camacho, Jozé Manoel dos Santos, Joaquim Pinto Gomes, Manoel Pedro, Cazemiro Barreto do Pinho.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Eleventh Enclosure in No. 201.

(Translation.)

Extract from o Jornal do Commercio Rio de Janeiro, December 7, 1839.

Vessels entered the Port on the 6th of December.

FROM Angola 97 days, Portuguese patacho "Idalia," 90 tons, Captain the mate Jeronimo Romeiro, crew 13; in ballast; consigned to the captain; remains in quarantine.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Twelfth Enclosure in No. 201.

(Translation.)

Certificate of the Clerk of the Consulate of Rio de Janeiro.

I, JOZE JOAQUIM DE FREITAS, Clerk of the Consulate Board of Rio de Janeiro, certify, that examining the book that served in the financial year 1839 to 1840 for entering the Despatches of foreign vessels, it appears at page 71, that on the 1st of April of the present year the Portuguese patacho "Idalia," of 70 tons, cleared out for Lisbon by Benguela, to sail on the following day with a crew of 15 persons, inclusive of the captain, whose name is Ignacio Soares de Simas Fayalense, and owner Albino Pinto de Carvalho. I cannot however certify the names of the crew, owing to the vessel being Portuguese; but they may be certified by the respective Consul where the muster-roll is made, which is presented at this Board when the vessel clears out.

The above is the truth according to the contents of said book to which I refer.

(Signed) JOZE JOAQUIM DE FREITAS.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Thirteenth Enclosure in No. 201.

(Translation.)

*Certificate of the Clerk of the Consulate of Rio de Janeiro that the sale is doubtful.**Rio de Janeiro, September 9, 1840.*

I, JOZE JOAQUIM DE FREITAS, Clerk of the Consulate Board of Rio de Janeiro, &c., hereby certify, that examining the book used for registering the Despatches of foreign vessels leaving this empire, in the same page 71, is found to have cleared out on the 1st of April of the present year, to sail on the following day, the Portuguese patacho "Idalia" for Lisbon, to touch at Benguela; the residence of her owner does appear in this Department, he being a foreigner, as also it does not appear that the duty on purchase (ciza) has been paid (if the same did take place), owing to all the books of the last financial year having been sent to the national treasury.

The above is the truth, and appears from the respective book in the part relative to the sailing, and to it I refer.

(Signed) JOZE JOAQUIM DE FREITAS.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Fourteenth Enclosure in No. 201.

Commander Birch to Sir George Jackson.

*Her Majesty's Brig "Wizard,"
Rio de Janeiro, September 6, 1840.*

SIR,

IN pursuance of a requisition from the Court of Mixed Commission, the prisoners, Francisco P. Nunez, master, and Luiz Caetano, contra-master, under charge of Mr. Humphries, gunner, proceeded towards the Palace rampart, when, not observing the guard at the slip, and being beckoned to Pharoux Stairs by soldiers in the uniform of the artillery, supposing they were the guard, as also on landing, the corporal apparently in charge reporting they were sent for that purpose, the gunner delivered them up; when falling in, they marched off, and at the distance of 300 or 400 yards, broke and allowed the prisoners to escape, striking and forcing the gunner to retreat to his boat.

I have, &c.

(Signed) T. F. BIRCH,
Commander.

Sir George Jackson, British Commissioner.

No. 202.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, October 12, 1840.**(Received January 2, 1841.)*

MY LORD,

YOUR Lordship will observe in the sentence passed on the "*Paquete de Benguela*," reference to letters found among the papers taken on board that vessel, implicating various individuals residing in this country in the traffic.

The proctor for the captor having had every access to the whole of these documents, we had hoped that his inquiries would have been directed to this point, and that he would have furnished the Court with more accurate information; but not having done so up to the time when the Commissary Judges were agreed upon the main points of the sentence, Her Majesty's Commissary Judge, being at that time confined to his bed, caused Mr. Hesketh's attention to be drawn to the letters in question, in consequence of which the accompanying letter was received from that gentleman.

We quite concur in the opinion that any information furnished by the Brazilian police or other authorities would be more satisfactory than the issue of any other inquiry could possibly be; but the Court have no authority to require such information, nor would a request to that effect from them be likely to meet with much attention, unless upon a previous understanding with the Imperial Government.

The result of the inquiries in this particular instance was not such as to warrant the declaring any of the individuals referred to as having incurred the penalty of the 1st article of the Convention of the 23rd of November, 1826.

It may here be not irrelevant to observe, that the inconvenience alluded to in our preceding reports as likely to result in this country from making the proceedings of the Court public, referred to the facility which such a practice offers to the slave interest to become acquainted with what is passing in the Commission, and thus impede or frustrate its measures, either by assembling in undue numbers in Court, as they have already shown a disposition to do, or by plotting the escape of witnesses on their passage up to the Commission.

With reference to this part of the subject, we have the honour to transmit herewith, in original and translation, a correspondence between the Brazilian Minister of Marine and the Minister for Foreign Affairs, which the Brazilian Commissary Judge laid before the Commission on the 7th inst.

We have, &c.

(Signed)

GEORGE JACKSON.

FRED. GRIGG.

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

P.S. As an evidence of the attention given by the present administration to all that concerns captured new blacks, we further subjoin an instruction addressed by the Minister of Justice to the Judge of Orphans, respecting the safe removal of those belonging to the "*Paquete de Benguela*," and the reply of the latter functionary; from both which we may hope for a discontinuance in future of those abuses which have been hitherto too frequent in such matters.

(Signed)

G. J.

F. G.

First Enclosure in No. 202.

Mr. Hesketh to Sir G. Jackson.

SIR,

Consul's Office, Rio de Janeiro, September 23, 1840.

I HAVE the honour to enclose a statement showing the result of inquiries I have made in consequence of the verbal request of the Registrar of the Mixed Commission Court on certain points of the evidence which grew out of the case of the "*Paquete de Benguela*."

That request was made on the 18th instant, and I regret, that in consequence of holidays on the 19th, 20th, and 21st, independent of the difficulties embarrassing private inquiries into such matters, I could not sooner transmit this statement.

After all, the information I have obtained would have proved more satisfactory if furnished by the

police at the request of the Court. I have, however, exerted myself to the utmost to meet your wishes by obtaining the most correct information.

The case of the "*Paquete de Benguela*" being closed, so far as the proctor for the captor is concerned, I have resorted to this method of placing before you the enclosed statement, as it answers the double object of supplying you with all the information I can obtain on such important points, and of furnishing to Her Majesty's Secretary of State for Foreign Affairs this proof of my previous assertion, that the Mixed Commission Court, as now organized, appears destitute of efficient means to search out officially satisfactory evidence respecting points on which its judgment is required.

I have, &c.

(Signed) ROBERT HESKETH,
H. B. M. Consul.

Her Majesty's Commissary Judge,
&c. &c. &c.

Second Enclosure in No. 202.

Result of Inquiries respecting the following Five Persons referred to in the Correspondence found on board the "*Paquete de Benguela*."

Name.	Residence.	Nation.	Observations.
Joaquim Alves Correia .	Rio de Janeiro .	Brazilian .	Ascertained by inquiries at the Municipal Registers.
Jozé Joaquim Lara . .	..	..	No information obtainable, and name presumed to be fictitious.
Manoel Pereira, <i>alias</i> Manoel Pereira Gomes.	Rio de Janeiro .	Brazilian .	Manoel Pereira Gomez is found to be a Brazilian, and a dealer in slaves; and there is every probability that the last name of Gomes is purposely omitted to prevent detection.
Jozé Joaquim Marques d' Abreu.	Rio de S. Joaõ .	..	This person is extensively engaged in Slave Trade, and in partnership with a brother resident in Rio de Janeiro.
Joaõ de Araujo Cunha .	..	..	Nothing can be ascertained respecting this person; supposed to be a fictitious name.

Rio de Janeiro, September 23, 1840.

The following is the only entry at the Portuguese Consulate respecting the Portuguese schooner, or brigantine, "*Eliza*:"—"Patacho Eliza despachou 18 de Março de 1837, para Cabo Verde, por Benguela e Angola, Mestre Francisco de Paula Sodre, e proprietario Manoel Jozé Martins." There was also a private memorandum to the following effect:—"Passaporte extraordinario assignado pelo encarregado dos negocios de Sua Magestade Fidelissima, Joaõ Baptista Moreira."

There is no further trace of this vessel in that consulate, and the inference is that she returned to Rio de Janeiro under some other name, with an African passport, and still alluded to in the correspondence under her old name, as a nick-name; a system which appears adopted, not only with regard to vessels, but also to persons, by the slave dealers.

The documents showing the particulars of Brazilian vessels purchased up to 30th of June are now in the Treasury Archives, from which it requires much time to extract certificates, and I could not get any information from that date forward at the consulado's.

The owner of the "*Idaha*," Albino Pinto de Carvalho, is a Portuguese, living in Rua d' Alfandega, between Rua dos Vuvides and Rua da Valla; I believe in No. 93, and also at Larangeiras.

(Signed) ROBERT HESKETH.

Third Enclosure in No. 202.

The Minister of Marine to the Minister for Foreign Affairs.

Palace, October 1, 1840.

THE Chief of Division charged with the department of the marine arsenal reports, by a Despatch in date of yesterday, that although what your Excellency points out in your note of the 26th of last month, in respect to the bringing up of the prisoners belonging to vessels detained by the British forces for examination by the Mixed Brazilian and British Commission, appears to him to be very proper; yet, as it often happens that there is only one ship of war in this port, whose officers, being employed on various services, could not be withdrawn from the same without material inconvenience, he thought that the object in question might be attained, by the providing from the marine arsenal of a boat for the guard of soldiers, who may be appointed to accompany such prisoners from on board of the vessel in which they may be to the said Commission Court; the which I communicate to your Excellency for such decision as you may think most expedient.

(Signed) ANTONIO FRANCISCO DE PAULA E HOLLANDA.
CAVALCANTI DE ALBUQUERQUE.

To Senhor Aureliano de Souza e Oliviera Coutinho.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fourth Enclosure in No. 202.

The Minister of Foreign Affairs to the Brazilian Judge.

SIR,

Palace, October 3, 1840.

I SEND to you herewith a copy of a Despatch from the Minister of Marine, proposing that when prisoners from on board detained vessels may be brought before the Mixed Brazilian and English Commission, the marine arsenal shall provide a boat for the guard of soldiers who may be appointed to accompany them; and I have to inform you that as such measure appears to me to be capable of adoption, instead of that which I had previously pointed out, I have this day addressed a Despatch to the Minister of Justice, in order that conformably thereto he may issue the necessary orders to the competent authorities; the which I notify to you, that you may communicate this determination of the Imperial government to the aforesaid Mixed Commission.

God preserve, &c.,

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

To *Senor Joao Carneiro de Campos.*

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fifth Enclosure in No. 202.

The Minister of Justice to the Judge of Orphans, and Reply thereto.

Palace, October 2, 1840.

It is proper that as soon as the municipal judge shall have delivered to you the Africans captured on board of the patacho "*Paquete de Benguela*," in virtue of the sentence of the Mixed Commission, which declared them to be free, you cause them to be removed to the house of correction, by sea as far as the bridge of the *Aterrado*, where you will find a detachment of the permanent municipal cavalry, to guard and protect their removal from that point to the said house of correction, where they are to be delivered to the director of the works of the same, until the Government shall decide, and communicate to you their further destination.

In regard to the conveyance by sea, a Despatch has this day been addressed to the Minister of Marine to supply the boats which will be necessary, you having to arrange with the inspector of the arsenal, and also to communicate with the commander-in-chief of the permanent municipal guard as to the day when the removal of the Africans is to take place, in order that he may station the troops at the spot pointed out, in virtue of the order this day addressed to him; observing that at the house of correction the Africans are to be victualled by that establishment as long as they may remain there.

God preserve, &c.,

(Signed) ANTONIO PAULINO LIMPO DE ABREO.

To *the Judge of the Orphans.*

Rio de Janeiro, October 3, 1840.

I ACKNOWLEDGE the receipt of your Excellency's Despatch, in date of the 2nd instant, in which you order me to remove to the house of correction the Africans taken in the patacho "*Paquete de Benguela*," as soon as they shall be delivered to me by the municipal judge, in order to their being kept there till further directions. In answer I have to inform you that, in conformity with your Excellency's orders, I shall solicit the assistance mentioned by your Excellency in the same Despatch, and I shall take every precaution, in order that the said Africans may arrive at the deposit without straying, or any other inconvenience.

God preserve, &c.,

(Signed) DIOCLESIANO AUGUSTO CESAR DO AMARAL.

To *His Excellency Senor Antonio Paulino Limpo de Abreo,*
Minister and Secretary of State for the Affairs of Justice.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 203.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 13, 1840.

(Received January 2, 1841.)

MY LORD,

WE have the honour to enclose herewith, for your Lordship's information, a translation of a public notice issued from the Consulate-General of Portugal in this city, relative to the legalization, at that office, of ships' papers in future.

Whether this step has been enjoined from Lisbon, or suggested by the recent disclosures in the case of the "*Paquete de Benguela*," we know not;

but we trust it will put an effectual stop to the abuse which has hitherto prevailed in this respect.

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

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

Enclosure in No. 203.

(Translation.)

Notice.—Consulate of Portugal.

Consulate-General of Portugal, Rio de Janeiro,
12th September, 1840.

I, FRANCISCO JOAO MONIZ, Vice-Consul, charged with the Consulate-General of Portugal in Rio de Janeiro, notify to the owners, masters, consignees, and other persons interested in Portuguese ships or vessels depending upon this Consulate-General for the legalization of their Despatches, that I cannot consider myself authorized to legalize the clearances of such of the said ships or vessels which shall not bring their ship's papers in conformity, as well in purport as in form, with the provisions of the Decrees of the 17th December, 1836, and of the 16th January, 1837; and sufficient time having elapsed since their publication for them to provide themselves with those documents, this Consulate will not continue to affix the "visé," which up to this time was written on the passport of the vessels unprovided with them, qualifying them for the return voyage, with a declaration that the passport would be invalidated in order to their presenting the indispensable ship's papers on the return voyage; inasmuch as, no attention having been paid to the said condition, there are abundant reasons for suspecting that such vessels have not the requisites of their nationality which the laws establish.

Wishing, however, to reconcile my responsibility for the exact observance of the laws, and of the royal orders, with the consideration due to those interested in ships of unquestionable national character, employed *bonâ fide* in lawful commerce, I declare that the cessation of the legalizations shall take place under the following restrictions and delay:—

- 1st. That all the vessels labouring under the want in question shall only receive henceforward despatches in this Consulate for those ports in the kingdom of Portugal, in which there are intendencies of marine for granting the register and muster-roll, in conformity with the recited decrees.
- 2nd. That the space of three months shall be allowed to the national vessels, engaged in lawful commerce between the ports of this empire and those of Africa, granting them only clearances for their return voyage with the papers which they carried, but after the three months they can be despatched only in the same way as those in the preceding article.

And in order that the present may come to the knowledge of all those to whom its execution may belong, I caused the present to be published.

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 204.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 14, 1840.

(Received January 2, 1841.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 4th of August, 1840, on the subject of the option open to Her Majesty's cruisers to bring vessels under the Portuguese or any other flag, but belonging to merchants resident in Brazil, either before a British Vice-Admiralty Court or before this Commission.

We thought it our duty to report to your Lordship the construction, however erroneous, put by our colleagues and the public upon the exercise, in one or two instances, of this option; but the condemnation of the "*Paquete de Benguela*," determined upon before the receipt of your Lordship's Despatch, will show that such construction was not acted upon by the Court collectively; and we have only to assure your Lordship that it will continue to act upon

the same principle in any case which may be brought before it, so long as the instructions of 1835-6 shall remain in force.

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

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

No. 205.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 17, 1840.

(Received January 2, 1841.)

MY LORD,

WE have the honour to inform your Lordship that a capture of a launch, with 47 new Africans, was made on the 24th September, 1840, by the boats of a Brazilian schooner of war, off Ilha Grande, and that the case having been submitted by the Imperial Government on the 1st instant to this Court for adjudication, is under its consideration, and we hope very shortly to have the honour of reporting its result.

In the mean time we enclose, for your Lordship's information, free translations of various articles which have appeared in the public press respecting the step taken by this Government, of submitting the adjudication of this case to the Mixed British and Brazilian Commission, instead of to the ordinary tribunals of the country—a determination which your Lordship will perceive has given very great offence, and has been made a handle for party purposes.

No. 3 appeared in a Government paper, but not in the "*Correio Official*." No. 5 is also a defence of the course followed. No. 6 is a paper ascribed to a leading member of the late Ministry, and the others may be fairly taken as the expression of the general feeling of the country in favour of the importation of Africans, mixed up with much hostility to those members of the present Government who are considered as most inimical to such importation.

The allusion in No. 4 to "assaulting estates in Ilha Grande" refers to statements made by the Commander of the Brazilian schooner of war, that depôts of new blacks existed there, with which the local authorities refused to meddle, and the proprietors of which set every attempt to interfere with them at open defiance.

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

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

Enclosure in No. 205.

Translation of Articles from the Public Papers.

No. 1.

Capture of the Launch with Africans.

In to-day's papers an advertisement appeared, in which the tribunal of the Mixed British and Brazilian Commission calls upon all parties concerned in the launch captured, with 47 Africans, on the beach of Angra, to appear before it, the adjudication of the same being submitted to it.

Such an advertisement is well calculated to cause us great surprise, as it is certain that this launch having been met with on the coast of the empire (it appearing even that certain individuals jumped on shore from it and fled), captured by a Brazilian ship, ought to be adjudicated by the ordinary justice of the country, as is expressly and positively laid down in the code of criminal process. How, then, does the tribunal of Mixed Commission come forward to require its adjudication—to take upon itself a decision beyond its proper sphere? How does the Imperial Government consent that the express and clear law of the country should be trampled under foot—wresting from the decision of the competent justice of the peace an affair within his attributes to give it over to an exceptional tribunal, which, created by the Convention of 1826, can only try matters between English and Brazilians? Was it apprehended, perchance, that the justice of the country might not be conformable to the desires of those who (we understand) promise great things to whoever should pillage and take free Africans? Of those who, when the entire population of the country calls for the repeal of the law of the 7th of November, 1831; when the whole nation, the honourable class of landed proprietors, applaud with *vivas* the praiseworthy efforts of those deputies who, like Dr. Pereira da Silva, have combated so

strongly to put an end to a law so fatal and pernicious to the agriculture of Brazil, completely deceive themselves, persuading themselves that they can carry into effect their *Anglicized* wishes. It is said that recompenses are promised to those persons who shall persecute the traffic in Africans; let them do what they like, but let the law be fulfilled which orders that acts practised in the country be tried by Brazilian tribunals.

If there be any crime with respect to the launch, and the individuals found in it with the 47 Africans, let such crime be tried by the competent authorities, viz. the justice of the peace; and let not tribunals, of which English are members, where the influence of Great Britain rules, be constituted judges in Brazil. The Mixed Commission can try only Brazilian ships captured by English, and English and Brazilian matters, and in cases like the present, in which the crime (if there be any) was committed in the empire, since, although on the waters, they were territorial, and are considered by public law as a continuation of the country itself. The launch was captured by Brazilian authority, namely, the commander of the schooner of war. To *rob*, therefore, its adjudication from the authorities of the country, and to deliver it to an exceptional and purely diplomatic tribunal, is not only to trample under foot the actual legislation of the country, but to let it be understood that they have no confidence in Brazilian justice, and *only and solely* in English justice; and this is not what we are to expect from a Brazilian Government.

Now, the Minister for Foreign Affairs, who is a doctor in laws and a supreme judge, cannot fail to acknowledge the truth of these principles: we think that his Excellency must have been ignorant of the notice issued by the Commission, and therefore we address these observations to him, in order that he may take measures to prevent the violation of the law, giving to Cæsar what belongs to Cæsar, and to the country what belongs to the country.

(A free translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

No. 2.

The Launch taken with Forty-seven Africans.

It is a fact, that the Mixed Brazilian and English Commission has taken upon itself the adjudication of the launch, captured with 47 Africans, which were about to be landed on the coast of Angra dos Reis. The Government decided that the ordinary justice of the country is not a competent tribunal to take cognizance of this business. This decision, however, is the most revolting violation of the laws of the country, and it ought to be brought to light for the information of the public, and it ought to be forcibly and energetically censured.

The launch was taken in the act of landing, inasmuch as it is even asserted that some individuals escaped from it. The territory was Brazilian, and the very sea in which the proceeding took place was territorial, and consequently if there were any crime it was committed within the empire; and the launch having been captured by the Brazilian schooner of war "*Treze de Julho*,"* the step was taken by Brazilian authority. Further, the launch is not of that class of vessels, bearing a flag, referred to in the Treaty of 1826 between Brazil and Great Britain; and, therefore, as soon as the capture took place, its adjudication ought to have been submitted to the ordinary tribunals of the country, in conformity with the legislation of the empire.

Neither could the Mixed Brazilian and English Commission take upon itself the cognizance of the capture, inasmuch as, being an exceptional and exclusively diplomatic tribunal, its attributes do not extend beyond the adjudication of affairs and occurrences between Brazilians and English in what relates to vessels of either of the two nations taken with Africans on board. Such is the positive letter, such must necessarily be the spirit, of the Treaty of 1815, of the Convention and its adjuncts of 1817. And when once it is not the case of a Brazilian vessel (with Africans on board, the capture not being valid without that circumstance) captured by an English ship of war, or in that of an English ship captured by a Brazilian ship of war, the Commission could not take cognizance of the business. It is also to be observed, that even if it be admitted that every ship taken with slaves is to be brought before the Commission (which would be an English interpretation, as commonly happens with all our Treaties with that nation, inasmuch as it is the strongest), even in that case the launch in question could not be submitted to it, since the existing treaties speak of *ships, vessels under colours, on the high seas, going to the coast for Africans*—and a launch, even though it be said that it was conveying them from one point of Brazil to another, does not belong to the class of *ships* referred to in the Treaties above mentioned. And further, as has already been said, the capture was made in the territorial seas of Brazil, and therefore, the crime (if there be any) was committed within the empire itself, and thus the ordinary courts of the country are solely and exclusively those competent, and not an *exceptional and diplomatic tribunal*, created in virtue of a Treaty with a foreign nation, which Treaty can only speak, and does in fact, speak of *ships captured* on the high seas.

How is it, then, seeing what we have set forth—how is it that the present Government orders the adjudication of the launch to be submitted to the Mixed Commission, treading under foot the positive and clear law of the country? How does it dare to wrest from their natural and lawful judges a business which belongs to them, in order to deliver it to a foreign tribunal without either attributes or powers for that purpose? This would be to constitute it a tribunal *ad hoc*, and the Government has no right to do so much. All this proves, however, that the present Government has no *confidence* in the justice of the country, which fact, instead of being in its favour, is, on the contrary, conclusive evidence that the present ministry are afraid of the people and of the laws, neither of which *deserve their confidence*. And this is not upright justice; it is calling foreigners to *govern us and to be judges* in our domestic questions, inasmuch as English influence prevails in the Mixed Commission, and, at present the English are in favour.

It is said (but we do not believe it) that orders of knighthood, decorations, promotion, and honours, have been promised to such Brazilian authorities as proceed against *new blacks*, and fulfil that law of the 7th of November, 1831, so much stigmatized by the nation. It is said (but we do not believe it) that express orders have been given to the commanders of Brazilian vessels to capture all the ships, launches, and other vessels, in which it be suspected that there have been blacks, and which may

* "Primeiro de Abril."

retain their smell. It is generally said that express orders have been given that the slaves which may be taken in the streets of the city, in contravention of the municipal regulations, before being delivered to their owners, be examined whether or not they have been imported since the law of the 7th of November, 1831. If all this be true, we are well off; we are sailing on a sea of roses, a pleasant prospect presents itself: persecutions on every side, always English influence. The Lord have mercy upon us!

(A free translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

(Translation.)

No. 3.

ALTHOUGH we be convinced that the writer of the correspondence published in the 'Jornal do Commercio' of the 5th instant, in respect to the capture of the launch with Africans by a Brazilian ship-of-war, has a perfect knowledge of the Treaties, instructions, and regulations by which the Government of Brazil is bound, and which it is strictly incumbent on it to fulfil, yet it does not appear to us to be just, that, in order to attain a certain object, a deception should be practised on those Brazilians who, perhaps, may not be aware of this supreme legislation (for such we consider international Treaties); nor that, in a spirit of opposition to the Government, the same should be censured; it being its duty to fulfil the stipulations by which it is bound. We will therefore reply with the Treaties to the aforesaid correspondence, where we read the following false proposition:—

“The Mixed Commission can adjudicate only Brazilian vessels captured by the English, and English and Brazilian transactions, and not cases such as the present, in which the capture was made by Brazilian authority, namely, the commander of the schooner-of-war” &c.

This correspondent is surely not ignorant of the Treaty of 22nd of January, 1815, signed at Vienna between the crowns of Portugal and England, nor of the Convention additional to the same Treaty, signed in London between the same, on the 28th of July, 1817, nor of the instructions annexed to that Convention intended for the Portuguese and British ships-of-war employed to prevent the illicit traffic in slaves; nor, finally, of the Treaty of the 23rd of November, 1826, which entirely abolished the said traffic, and adopted as binding on Brazil all the articles, instructions, and regulations of those other Conventions as if they were here repeated word for word (expressed in the third Article).

Now the first Article of the convention of 23th of July, 1817, declares—“that the object of this Convention is, on the part of both Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade,” for which purpose the two high contracting parties will proceed to adopt as necessary measures, the regulations, forms, and instructions annexed to the said Convention, and forming a part thereof.

The first Article of the instructions intended for the ships-of-war declares—“Every Portuguese or British ship-of-war shall have a right to visit the merchant ships of either of the two powers, actually engaged or suspected to be engaged in the Slave Trade; and should any slaves be found on board, &c. and having detained them, the commander is to bring them as soon as possible for judgment before that of the two Mixed Commissions appointed by the eighth Article of the additional Convention of this date, which shall be the nearest or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach,” &c. It is therefore evident, according to these stipulations (which were adopted by Brazil, by the said Treaty or Convention of 23rd of November, 1826) that a Brazilian ship-of-war apprehending another (vessel) with Africans, must bring her for judgment before the Mixed Commission in this capital. The question in the present case and with the writer of the correspondence, appears to be whether the launch is a vessel, and whether the Treaties, speaking of vessels, excepted boats.

We leave this intricate point of law to the correspondent. We, however, are of opinion that the Government under such engagements fulfilled its duties by sending the business to the Commission, to whom it belongs, to say the least, to decide whether it be competent to take cognizance thereof. There in that Commission there are Brazilian Members with full knowledge of the Treaties, and as patriotic and zealous for the dignity of the country as the correspondent would appear to be. We do not think that in view of such stipulations he can maintain in good faith that, because the launch was taken within a port or bay of the empire, even though by a Brazilian ship-of-war, it ought not to be subject to the adjudication of the Commission. In good faith it appears to us that, whatever arguments be employed to arrive at such a conclusion, they will be found contrary both to the letter and the spirit of the Treaties, however they may receive the support and applause of many. To the Government, however, it belongs to observe religiously the Treaties in order to have the right and the power to require, on high ground, their exact observance as well as to exempt the empire from concessions not compatible with its dignity and true interests. And certainly to advise the contrary or to make the people believe that the Government yields to foreign influence when it does no more than fulfil solemn engagements, however onerous, is either not to attend to the true interests and the dignity of the country or to hold cheap the principles of justice and honesty.

JOZE AGOSTINHO BARBOZA, JUN.,

Interpreter to the Commission.

(A free Translation.)

(Translation.)

No. 4.

The Launch taken with 47 Africans.

THE 'Despertador' has come forward in defence of the present Government, by whose orders the capture was made of the launch with the 47 Africans. We had demonstrated most evidently the incompetence of the Mixed Brazilian and English Commission in such a business. The 'Despertador' was at great pains to find reasons on which it might argue in favour of the decision of the Government, which sent the launch to the Commission. We are obliged to discuss this point more fully.

The Treaty between Brazil and Great Britain concluded on the 23rd of November, 1826, in regard to the cessation of the traffic in slaves, brings into operation between the two crowns the ancient

CLASS A.

Treaty of the 22nd of January, 1815, and the additional Convention of the 28th of July, 1817, which subsisted between Portugal and England, adopting the articles, instructions, and regulations therein contained. The discussion, therefore, in such a case, must be regulated by that Treaty of 1815 and the Convention of 1817. Now the first Article of the Convention declares—"Every Portuguese or British ship shall have a right to visit *the merchant-vessels* of either power; and if on board of them slaves be found, such vessels shall be taken and brought before the nearest Mixed Commission" &c. In this Article therefore is defined the case of capture which can be applied only to *merchant-vessels*, that is, to *vessels under a flag* engaged in the traffic in slaves between Brazil and the coast.

Was the launch in question under these circumstances? Could it be considered as a merchant-vessel? No, and a thousand times No: the reverse would be to confuse every thing and confound all ideas. The launch is a coasting boat which goes from one point to another, and which, navigating in territorial seas, if any crime be committed on board, such crime is considered, in the language of the law of nations, as committed in the country itself. The launch carries no flag, consequently has no national character, and may pass from the possession of one individual to that of another, who may be a foreigner, by contract of sale without being subject to the formalities which take place in regard to ships about to change their national character and flag. A launch, therefore, even with Africans on board, as this launch had, could not be taken, inasmuch as the letter of the Treaty and its genuine interpretation gave no such authority.

Further, on reading attentively this Treaty of 1815 and this Convention of 1817, we find, in several articles of the regulation, that the capture is presupposed to be on the high sea, and with reason, because the sea adjacent to the coast of any country, and within cannon shot, is considered, by writers on public law, as territorial, and therefore respected by foreigners, inasmuch as it forms, figuratively, a part of the territory. Hence, we have better demonstrated the incompetency of the Mixed Brazilian and English Commission to adjudicate the launch in question, since according to the Treaties, for the capture to be valid, and the same to be submitted, conformably thereto, to the decision of the Mixed Commissions, it is necessary—first, that it be of a merchant vessel, second, that it take place on the high sea. And, as there is neither of these requisites in the case of the launch, the Mixed Brazilian and English Commission has no right to intervene in its adjudication, in conformity with the Treaty of the 23rd of November, 1826, between Brazil and Great Britain. And as it was the present Government which sent the launch to the Commission, it necessarily follows that the present Government *violated the law* of the country, trod under foot our legislation (perhaps only to please those philanthropic English); that, not having any confidence in the justice of the country, they endeavour, by all possible means, to minister to the caprices and the designs of Great Britain, whose wish is to depress agriculture in Brazil, and to prevent the productions of this soil, so rich and so favoured, from competing with the produce of her colonies in the markets of Europe.

To whom, however, unless to the Mixed Commission, inquires the 'Despertador,' ought the launch to have been sent? It is evident that the illustrious author of the article does not know, or pretends not to know, our codes. If the conveying of the 47 Africans be a crime, it is for the ordinary justices of the country to try it, and not the exceptional and diplomatic Mixed Commission, in which English influence predominates. Every crime committed in Brazil is submitted to a justice of the peace to frame the indictment. As soon as the launch was taken, it ought to have been brought before the competent justice of the peace, in order to commence the process against the accused. It is thus that this business ought to have proceeded, if our Government had not chosen to bend to the wishes of the English, and had endeavoured to follow the law, and only the law, of the country. This, however, was not the understanding of the Government. It had no confidence either in the justice of the peace or in the jury, either in the authorities or in the people; wherefore it openly violated the law, wresting a business, which evidently belonged to them, from its natural and legitimate judges. And for what end? Without doubt, to secure the decision.

In the Mixed Commission the English Minister has influence; the English Government has influence; in it there are two English Commissioners; let the launch be sent to it, however much the law be thereby violated. This was the thought of the present Government, ruled, as it appears, by hatred to the slave-dealers and by regard for the English. If such a precedent pass—if crimes, committed in Brazil, are to be submitted to the Mixed Commission—it is better to send to England for Englishmen, on purpose to be our judges; the present Government having no confidence in Brazilian judges, it is better to engage magistrates and governments, expressly arranged in England, to try all our questions.

Observe another circumstance. We said, at the commencement of this article, that the launch ought not to have been taken, and we maintain this idea. The commander of the Brazilian schooner-of-war, who captured the launch, under the generic authority of the Treaties, could not do it, because the launch did not belong to the class of merchant vessels. Never has a Brazilian or English ship-of-war committed such an act against launches, because a commander, committing such an arbitrary act, might be certain that it would cost him dear. For what reason, therefore, did the commander of the "*Treze de Julho*"* capture the launch with 47 Africans? Latet anguis in herbâ. Report says that there were promises of promotion, decorations, orders, and honours, to those who should seize new Africans; that these promises, added to that of having 10 of the new blacks given to them, had great influence. The Lord defend us from such, and so many, alarming reports! It is also said that this commander, inspired by the desire of serving the country and himself, was even about to assault estates in Ilha Grande, relying upon deserving well of his country, or rather of the present Government, by *so meritorious an act*. In what times, and where, do we live?

Upon the whole, we hold that the decision of the present Government which sent the launch, captured with 47 Africans, to the Mixed Brazilian and English Commission, was contrary to the clear and express law of the country; and this proceeding is still more astonishing on the part of a Government, of which two such able lawyers as S^r Limpo and S^r Aureliano are members. True it is, that it is said that the soul, the intellect, the chief, the type of the present ministry is S^r Antonio Carlos Ribeiro de Andrada Machado e Silva, monarchical by conviction, republican in heart, enemy of the slave-dealers, partisan of the English. He is the star shining in its zenith, and all the other ministers are nothing more than his most humble satellites. If any proof be wanted it is here. We advance nothing without proof; such is our custom.

* "*Primeiro de Abril.*"

S^{or} Limpo de Abreu, when Minister of Justice and for the Empire in 1836, never took steps such as the present, or measures such as he now employs. In the last few days it appears that the Justices of the Peace received circulars from the new Chief of the Police, to the end that, if any black were taken, either fugitive, or as being in contravention of the regulations of the Municipal Chamber, he should not be delivered to his master, until he had been sent to the house of correction to be examined and interrogated, and, if necessary, by the Mixed Commission, (again the Mixed Commission in these affairs—again English dominion!!!) in order to ascertain whether or not he were one of those imported after the law of the 7th November, 1831. Did his Excellency (the Minister of Justice) act thus in 1836? Certainly not. S^{or} Limpo was then the head of the ministry. He had his own will; now he is said to be subordinate to S^{or}. A. Carlos. It is therefore from the latter that these measures appear to proceed. But if it be true, as this circular affirms, what advantages can the Government reap from it? How can it be proved that a given black came to Brazil after the promulgation of the law of the 7th November, 1831? By his language? Sometimes new blacks speak better than those who have been 20 or 30 years in the country. By the colour? All are black. By the smell? Truly, if there be the smell of a new negro, we do not know that of an old one. Besides, may not many persons in good faith have purchased new for old? And how many pass through five or six different hands? And where is the responsibility of the last possessor who has purchased them in good faith?

The Government has also ordered Brazilian ships of war to cruise along the whole coast of the empire, and to capture the smugglers. The planters are much obliged to it. In the mean time the honourable and industrious citizens, "Jardins," are prisoners on board of a hulk, as if they were assassins, and robbers, enduring the hard laws of a Mixed Commission, in which the English rule—subject to a decision perhaps purposely retarded—kept inaccessible like those guilty of high treason—and, though having laws and judges in Brazil, who ought to decide whether or not they are criminal, they were delivered over to British influence, which does not allow them the relief of communication with their friends, with advocates, or patrons, to defend them!!!

These are embarrassments which the present Government causes by its own act. God send it well.
(A free Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 5.

THE author of the correspondence published in the "*Jornal de Commercio*," of the 5th instant, asks the following questions relative to the canoe which was taken with 47 Africans, by a Brazilian vessel of war:—How is it that the Mixed Commission Court pretends to claim the adjudication (of this case) to take upon itself a decision which is out of its proper sphere?—How can the Imperial Government consent that the clear and express law of the country should be trampled upon, wresting from the decision of the proper justice of peace an affair which belongs to him, to deliver it over to an exceptional tribunal, which, created by the Convention of 1826, can only adjudicate matters between English and Brazilians?—We will answer, with the existing treaties, which form a part, and a most important part, of the legislation of the country: those most conversant in such questions consider treaties as the supreme laws of nations. The Convention of November 23, 1826, between Brazil and Great Britain, declares in the third article as follows:—

"The high contracting parties further agree that all the matters and things contained in those treaties, together with the instructions and regulations, and forms of instruments annexed to the treaty of July 28, 1817, shall be applied, *mutatis mutandis*, to the said high contracting parties and their subjects, as effectually as if they were recited word for word herein; confirming and approving hereby all matters and things done by their respective subjects under the said treaties, and in execution thereof."

These diplomatic acts, to which the above article refers, are the Treaty of January 22, 1815, and the Convention of July 28, 1817, and the various explanatory articles that have been added thereto. Now the instructions given to the vessels of war of the two nations, annexed to the forementioned Convention, declare in the first article,—

"Every British or Portuguese ship of war shall, in conformity with the fifth article of the additional Convention of this date, have a right to visit the merchant-ships of either of the two powers actually engaged, or suspected to be engaged in the Slave Trade, and should any slaves be found on board, according to the tenor of the sixth article of the aforesaid additional Convention, and as to what regards the Portuguese vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa, where the traffic in slaves can no longer be legally carried on, in consequence of the stipulations in force between the two high powers: in these cases alone, the commander of the said ship of war may detain them, and, having detained them, he is to bring them as soon as possible for judgment before that of the two Mixed Commissions appointed by the eighth article of the additional Convention of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave ship shall have been detained."

And in order at once to do away with any argument which it may be wished to draw from the apparent contradiction which is pretended to be discovered in the second article of the same instructions, we declare that English ships of war are certainly prohibited from detaining a vessel employed in the traffic of slaves within a port or bay of the empire, or within cannon-shot of the batteries on shore; but this is not the case with our own vessels of war which may be employed in preventing any contraband, as happens in the present instance.

We ask, in our turn, is it, or is it not proved, on a view of these documents, and by the law of November 7, 1831 (not repealed), that the Imperial Government is bound to repress the illicit traffic in slaves?—The launch being captured by a ship of the empire, what, on a view of the instructions, was the first step to be taken but to submit the affair to the Mixed Commission, which is the competent tribunal? and if perchance, the same as has happened on other occasions, it shall decide that it is incompetent, will not its cognizance revert to the territorial judicial authorities?—and does not the correspondent know that in that tribunal there are Brazilian members, to whom should be conceded at least an equal share of patriotism with that which he makes a show of in his writing? It therefore

clearly follows, from what has been stated, that the Minister for Foreign Affairs, whose principal duty it is to take care that the treaties should not be infringed, in order to entitle himself to claim boldly, as he is accustomed to do, the exact execution of the same by the other signing powers, relieving the empire from concessions little suitable to its dignity, acted legally and consistently, ordering the case of the canoe, and the Africans which it was carrying, detained as it was by a Brazilian man-of-war, destined to cruise with a view to impede the traffic, to be submitted to the Mixed Brazilian and British Commission—that being exclusively the competent tribunal. What is said respecting the difference between a canoe and a vessel is idle; it was a vessel which was carrying slaves; it was duly captured, and consequently the affair is comprehended in the Convention above cited: it ought to be submitted to the Mixed Commission; and in case that Commission should deem itself incompetent, the case will go for decision to the justice of the peace, and will follow the course marked by the code. The number of Brazilian judges is equal to that of the English in this tribunal; and we cannot conceive the existence of this English influence in a case where there is equality of votes. It appears to be duly proved that the Imperial Government did no more than fulfil the duties by which it is bound; and there being no new arguments to refute, it is useless to extend this article further.

(A free Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 6.

WE had hitherto avoided speaking of the outrage committed by the government against the national dignity, by surrendering to a foreign jurisdiction the cognizance of a fact which belonged only to the Brazilian authorities, that we might not be told that, for want of arms against the government we are opposed to, we courted popular prejudices, and excited them against the ministry. This affair has, however, assumed such importance that we should be wanting in our duty as public writers if we did not engage the public attention with it. The fact is most simple:—a Brazilian ship of war surprises, in the territorial waters of Brazil, a launch with some Africans, captures it, and brings it to Rio de Janeiro. The ministry gives up the question of this prize to the decision of the Mixed Commission?

The fact is so simple that no further observation is necessary to show the indignity practised against the national decorum. The ministry in vain stick to the letter of the Treaty which prohibited the traffic in Africans, to justify their proceeding: the Treaty orders that all captured vessels suspected of being engaged in the traffic of the coast of Africa should be adjudicated by the Mixed Commissions; but can any one in his senses suppose that a launch, whose voyages are always coastwise, always within the territorial waters, was employed in this traffic? Certainly not; the Treaty did not bind the Brazilian government in this case, and if they, without attending to the insult which they were passing on our authorities—to the neglect in which they held the property and the lives of our citizens, and gave them up to the discretion of foreigners, they were assuredly only actuated by the Pharisaical zeal which animates them against our agriculture, and by the desire of meriting the good graces of foreign governments, whose recognition they suppose to be necessary to them to legalize the events of July. Of what consequence is it that English *humanity* should vex, torment, and perhaps sacrifice some Brazilians, very possibly innocent of the contraband, if the ministry thereby succeed in propitiating our friends and allies?

These zealous defenders of national honour are they who deliver to a special and foreign jurisdiction Brazilians accused of a crime cognizable by our laws, and committed in our territories. Oh, shame! Alas, for agriculture! the only source of our riches, if these propitiators of the impartial and humane justice of the British government were to remain much longer in power.

(A free Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 206.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October, 17, 1840.

(Received January 2, 1841.)

MY LORD,

WITH reference to our Despatch of the 5th instant, announcing the restitution of the Brazilian galliot "*Alexandre*," we now beg leave to inform your Lordship, that a claim for indemnities has been presented to the Court by the master of that vessel, and is now under consideration.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 207.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 23, 1841.

I HAVE referred to Her Majesty's Advocate your several Despatches upon the subject of the capture of the slave-vessel the "*Pompeio*" by the "*Fawn*," acting as tender to Her Majesty's ship "*Stag*."

I have now to acquaint you that the Queen's Advocate observes upon this case, that by the fifth Article of the Convention of the 28th of July, 1817, with Portugal, renewed, and conformed, and confirmed as to Brazil by the Convention of the 23rd of November, 1826, the right of detaining merchant-vessels suspected of Slave Trade was restricted to such ships-of-war of the two contracting parties as shall be furnished with special instructions for that purpose; and that according to the seventh Article of the first-named Convention, these instructions must be signed by the Ministers of Marine of that party to which the cruiser belongs. But in the case in question it is an admitted fact, that the Lords of the Admiralty had not signed the special instructions for the "*Fawn*," and consequently that vessel was not possessed of the authority requisite for detaining the "*Pompeio*."

Upon the question whether the Court of Mixed Commission was justified in admitting the claim set up by the owners of the "*Pompeio*" for compensation on account of her detention, the Queen's Advocate is of opinion that the Mixed Court ought to have paid attention to the circumstances adverted to by the British Commissary Judge in his vote against that claim; but that as the Court decided that compensation was due to the owners of the "*Pompeio*," and as no appeal is allowed from decisions of the Court, it would be in vain now to contend against the decree which has been made.

The Queen's Advocate proceeds to observe that he does not see anything unjust or improper in the course of the proceedings proposed by the Brazilian Commissioners for valuing the amount of compensation to be granted in cases similar to that of the "*Pompeio*," but he thinks that it would be more desirable for the sake of uniformity that the precise course stated to be used at Sierra Leone and elsewhere, should be pursued in cases coming before the Court at Rio de Janeiro.

Last y, the Queen's Advocate states, that the sum awarded by the valuers appears to him to be exorbitant, and to have been evidently circulated upon a wrong principle, and that the proper principle "to have gone by on this point was that laid down by the Brazilian Commissioners, viz., the amount of loss really sustained;" but the mode pointed out by the British Commissary Judge ought to have been adopted for ascertaining what that amount really was.

I have, &c.

(Signed) PALMERSTON.

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

No. 208.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, October 27, 1840.**(Received January 25, 1841.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 6th of August, 1840, acknowledging the receipt of our Despatch of the 20th of May preceding, and referring us for an answer to the point mentioned in that Despatch, relative to the execution of the sentences of this Mixed Commission, to the instruction given in your Lordship's Despatch of the 20th of August, 1839, of which, lest that instruction should not have reached us, your Lordship is good enough to transmit to us a copy.

Of this latter Despatch we had the honour to acknowledge the receipt, in our Despatch of the 4th of November last, by the "*Seagull*" and "*Lyra*" packets; and we have only now respectfully to submit that the "objections to the present system," commented upon by the Minister of Justice in his report to the

General Assembly, referred not so much to the sale of vessels condemned by the sentences of this Court of Mixed Commission, as to the inconveniences arising from the circumstance that such sale, and other duties connected with these sentences, should be laid upon an officer incapable, from having various other avocations, of performing them with due celerity and effect, instead of being intrusted to the Commission itself, or to persons acting under its authority, agreeably to the plan laid down in the "Regulations."

The same observation applies to other parts of the subject, such as the mode of promulgating the sentence, which now requires a copy of the entire proceedings to be prepared for the signature of the Brazilian Minister of Justice before it can be carried into effect, thus necessarily causing increased expense and delay; and the manner of proceeding in cases where indemnities may be claimed and allowed; and to the superintendence of the Africans, from the moment of their arrival in this port to that of their delivery to the Brazilian authorities; and it was on those several points that we stated ourselves to be awaiting your Lordship's decision.

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

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

P.S.—*November 7.* What is now passing with respect to the "*Paquete de Benguela*" is so much in point, that we beg to draw your Lordship's attention to it.

The sentence condemning this vessel was dated the 28th of September, yet it is only within the last few days that the sale has been advertised, and the earliest day fixed for such sale is the 23rd of this month—so that even if completed then, which can by no means be anticipated with certainty—a delay of nearly two months between the sentence and the sale will have intervened, and, probably, as much more before the proceeds are paid into Court.

G. J.
F. G.

(Extract.)

No. 209.

Her Majesty's Judge to Viscount Palmerston.

Rio de Janeiro, October 28, 1840.

(Received January 25, 1841.)

CONSIDERING the nature of your Lordship's Despatch of the 24th of August, received by the last packet, on the subject of a memorial from the General Anti-Slavery Convention, my colleague and myself have judged it best that we should each separately address your Lordship in reply thereto.

I eagerly seize the opportunity now afforded me of giving a public and official denial, *as far as I am personally concerned*, to the statement therein set forth, viz. "that British functionaries in the Brazils hold slaves, openly purchase them, employ them as domestic slaves, and sell or dispose of them as necessity or caprice may dictate."

A memorial sanctioned by so many and such conspicuous names, and whose principles meet—if I may be allowed to speak of so humble an individual as myself—with my warmest sympathy and concurrence, presented, moreover, to your Lordship with a view to a public and definite object, renders it not only allowable but incumbent upon me to say, that so far from directly holding, or being, or ever having been, interested in slave property, I have not a single slave in my service.

In saying this I merely state a fact without the slightest intention of claiming any credit for it, for no sooner did I become obnoxious in this country from the zealous discharge of my duties as British Commissary Judge, than one of the many modes of annoyance practised against me was to deprive me of all household assistance; and so successful did this mode prove that, as it is next to impossible to meet with white servants in Brazil, my family and myself have more than once been left for days together without anybody in the house

but ourselves—a fact which drove me to the necessity of adopting the very troublesome, and, on every account, disagreeable expedient of hiring the services of emancipated Africans, which your Lordship has since desired me to abstain from.

I trust that both your Lordship and my country will consider the above as a complete answer to the memorial in question, so far as it had any reference or application to me; but I owe it no less to your Lordship than to myself to declare that I have paid regularly in advance to the Brazilian Government the highest rate of wages assigned for such services by the Judge of Orphans himself (an officer personally unknown to me, but to whom the care of the Liberated Africans is specially confided); that those hired by me have, besides, received each a daily allowance independent of their board and clothing; and that, with the additional expense of medical treatment and other items, their cost has at least equalled that of any other black servant.

No. 210.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 30, 1840.
(Received January 25, 1841.)

MY LORD,

WE are honoured with the receipt of your Lordship's Despatch of the 2nd of September, 1840, acquainting us that Her Majesty's Government approve of the steps taken by us for the purpose of circulating the two notes addressed by Lord Howard de Walden to the Portuguese Government on Slave Trade, and we beg leave to express to your Lordship our acknowledgments for this assurance.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 211.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 31, 1840.
(Received January 25, 1841.)

MY LORD,

REFERRING your Lordship to our Despatch of the 17th instant, we have the honour to transmit herewith the several documents in original, where it may possibly be desirable that your Lordship should be possessed of them, or in translation, relative, first, to the seizure therein reported, and next, to the acts of this Commission since the case was submitted by the Imperial Government to its adjudication.

(A.) The Despatch, with its Enclosure, of the commander of the Brazilian schooner-of-war "*Primeiro de Abril*," José Maria Nogueira, to the Minister of Marine, giving an account of the capture on the 24th of September, 1840, by one of his boats, of a canoe, which was endeavouring to cross from Ilha Grande to the main land, with 2 white men and 47 Africans, all newly imported with the exception of two, who appeared to be "Ladinos."

(B.) Containing, 1st, a Despatch from the Minister of Marine to that of Justice, forwarding to him the above papers, "as the cognizance of them belongs to his department." 2nd, a Despatch from the Minister of Justice to the Minister for Foreign Affairs, sending to his Excellency that of the Minister of Marine, with its aforesaid Enclosures, "because the cognizance and adjudication of this object appertaining to the Mixed Commission, in regard to the traffic in slaves, in conformity with the respective Conventions between Brazil and Great Britain, it is for your Excellency to issue orders on that subject;" and 3rd, a Despatch from the Minister for Foreign Affairs to the Brazilian Commissary Judge, transmitting the whole to him, "in order that you lay this business before the Mixed Brazilian and British Commission, to which its cognizance and competent adjudication belong."

With these documents, presented by the Brazilian Commissary Judge on the 1st instant, this case, my Lord, was opened, the usual monition was immediately issued, and, on the 3rd, the commander of the "*Primeiro de Abril*" appeared, and ratified his previous statement made to the Minister of Marine.

On the 6th, the Imperial Government having, to avoid any danger of a disturbance or rescue, appropriated a room in the Marine Arsenal for the purpose, the two white men, brothers, of the name of Jardim, who proved to be proprietors of large coffee-estates at Rezende, in this province, underwent a long and searching examination, in consequence of which the officer of the Court was directed to proceed on board the Brazilian hulk where the Africans were kept, and report minutely every circumstance relating to them, whether they were "Bozal," what their age, sex, &c.

On the receipt of this report, showing them to be all new blacks, with but two exceptions, the Brazilian Commissary Judge first let it appear what course he intended to pursue, declaring that the capture was made, not only on Brazilian territory, but on Brazilian *ground*, and that consequently this Commission could not take cognizance of it; adding that, the blacks being ascertained to be newly imported, it was of no consequence, as their seizure could not fail to be adjudged to be legal by the local authorities.

Without, in the first instance, entering into this question, the British Commissary Judge stated his intention of examining the second lieutenant, Carlos Augusto Nascentes de Azambuja, the officer in command of the boat by which the capture was actually effected, and who had been hitherto prevented from attending the Court by indisposition.

On the 10th and 13th the depositions of this officer, of a Mulatto servant to the brothers Jardim, and of the two "Ladino" blacks, were taken, and, on the following day, the 14th, the Brazilian Commissary Judge re-stated his view of this case, and gave it as his opinion that its trial belonged to the authorities of the country, and not to this Commission.

In the discussion which ensued it appeared to be his aim to mix up the two questions of Brazilian territory generally, and of Brazilian land or ground, in such a way as to decide this case rather on the latter principle than on the former; intimating even that he did not wish, by raising the question of territory, to be precluded from following in any future case, where *that* only would be to be considered, the many precedents which the archives of this Commission afford, of taking cognizance of captures made in the territorial waters of Brazil.

This distinction Her Majesty's Commissary Judge deemed to be most important; and he accordingly begged his colleague not to confound the two questions in the vote he was about to give, but to confine himself to the simple inquiry—as he the British Commissioner would do in the first instance—whether the capture was made on the land or in the waters of Brazil.

On the 15th instant the two Commissary Judges gave their respective votes, and the Brazilian Commissioner of Arbitration being summoned to attend the following day, lots were drawn, and the lot falling on Her Majesty's Commissioner of Arbitration, that gentleman delivered his vote on the 20th, deciding that the capture was not made on land.

These three votes we have the honour to enclose herewith. (C.)

The question now returned of the competency of this Commission to take cognizance of this capture, in view of the undisputed and undeniable fact that it was made within Brazilian territory.

The Brazilian Commissary Judge maintained that this inquiry was unnecessary, or rather that it merged in the fact, which he still steadily insisted on, that the capture was effected on land, and that consequently this Commission was incompetent to try it. His colleague reminded him that that point, viz., its being made on the water or on land, had already been decided against him, and urged him to reconsider the subject at issue, with a view to the question of territory alone; submitting to him that, even should he refuse to abide by the many precedents bearing his own signature above alluded to, and be now inclined to take his stand on the strict and literal reading of the second Article of the Instructions, yet that his own Government had virtually, if not in terms, waived that prohibition by sending the case to this Court, and that, too, after the propriety of doing so had evidently been discussed by the respective Ministers of State.

Senhor João Carneiro de Campos replied, that this only proved the good faith of his Government, and their respect for the Slave Trade engagements by which this country was bound towards Great Britain; that the point had not been raised in either of the cases cited, and that he, as Commissioner, could only look to the Convention and its annexes.

Her Majesty's Commissary Judge having in vain attempted to shake this determination, gave in his final vote on the 23rd of October for the condemnation of the canoe, and the Brazilian Commissary Judge on the same day presented his, ratifying and confirming his preceding opinion that, for the reasons therein set forth more largely, the trial of this capture must in every case appertain to the authorities of the country, and that the whole proceedings should be remanded to the Imperial Government for the purpose of their being submitted to those authorities.

On the 26th of October Her Majesty's Commissioner of Arbitration, to whom belonged the decision of this second point of difference according to the established rule, that the arbitrator once chosen in a particular case is the proper person to whom all subsequent matters of dispute in the same case ought to be referred, presented his vote, viz., that the chase and the capture were within the territorial seas of Brazil recognised by the Law of Nations, and therefore that the case should be returned to the Imperial Government.

These three votes are annexed herewith. (D.)

On the 29th the final judgment of the Court was drawn up in conformity with the opinions of the Brazilian Commissary Judge and of Her Majesty's Commissioner of Arbitration, and signed by those gentlemen; the signature of Her Majesty's Commissary Judge, as overruled with regard to the competency of the Commission, being affixed to the same, as required by the forms of this country.

This document we have the honour to transmit herewith (E.), as also our report of the case. (F.)

A further ground, on which it appeared to Her Majesty's Commissary Judge that this Commission ought to have taken cognizance of this capture, is the fourth Article of the Alvará of the 26th of January, 1818, which gives the option of either party, captor or captured, to bring his case for trial before the Mixed Commission, "whose decision shall be carried into effect;" but the main point which he was desirous of establishing, being that the prohibition mentioned in the second Article of the Instructions does not apply to cases where the capturing vessel belongs to the country in whose territory the capture is made, he thought it unadvisable to introduce any other argument into his vote; and therefore contented himself with submitting this further view of the question at issue verbally to the arbitrator, who remained of the opinion expressed in his vote above mentioned.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 211.

(A.) *Lieutenant Nogueira to the Minister of Marine.*

On board of the schooner "Primeiro de Abril," at anchor, Rio de Janeiro, September 27, 1840.

I HAVE the honour to send to your Excellency the minute of capture, by this brig, of a canoe, with 47 new Africans and other persons as appears by the said minute, in conformity with my instructions, reserving myself to give to your Excellency in person a detailed account of what I was enabled to obtain with reference to my instructions.

God preserve your Excellency.

(Signed)

JOZE MARIA NOGUEIRA,
First Lieutenant and Commander.

The Most Excellent Sen. Antonio Francisco de Paula Hollanda Cavalcanti e Albuquerque,
&c. &c. &c.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Second Enclosure in No. 211.

(Translation.)

Captor's Declaration.

On the twenty-fourth day of September, of the year of our Lord one thousand eight hundred and forty, the schooner "*Primeiro de Abril*" being at anchor off the Bay of Estrella, in Ilha Grande, I saw from on board the same schooner a canoe which I supposed to be laden with new Africans; and, despatching the Second Lieutenant, Carlos Augusto Nascentes de Azambuja, in the first boat, in pursuit, and afterwards the second boat, with the second in command, Second Lieutenant João Gualberto de Andrade Maia, I also got under weigh myself with the schooner, in order to protect the boats; and at half-past ten o'clock the boats came alongside, bringing a large canoe, with forty-seven new Africans, as also two white men, by name, David Gomes Jardim, resident at Rezende, who calls himself a planter, married, and forty-four years of age, and Joaquim Gomes Jardim, who also says he is a planter, married, thirty years of age, and brother to the preceding; and an old ("ladino") mulatto, by name Bertulino, who they say is their slave.

I was informed by the Second Lieutenant, Azambuja, that during the chase of the aforesaid canoe she employed every means to escape, paying no regard to the constant fire, with ball, which the same Second Lieutenant ordered to be kept up, but endeavouring, both by sailing and six oars, to reach the shore, which in fact she did, near to some rocks, at great risk, and there the rowers and the helmsman escaped by throwing themselves into the sea, as well as some Africans, of whom the Second Lieutenant was able to save five, it being impossible for him to save more on account of the darkness of the night. And, according to the instructions which I hold from the Supreme Government, I make the seizure which I have in fact made of the said canoe; built of jequetiba-wood, forty feet long from stem to stern, four feet five inches beam, and depth of hold two feet two inches, with six rowlocks for rowing, completely floored; a small anchor, weighing sixty-two pounds, four pistols, two of which were loaded with powder and ball (no further ammunition was found), two large pointed knives, silver-mounted; and forty-seven new Africans: all the above individuals and objects remaining in my possession on board, to answer before the same government; in proof of which I ordered this act of seizure of the canoe and of the Africans to be drawn up, which the officers of the sloop under my command, and the clerk of the same, Francisco José Manoel Verane, signed with me, on board the schooner "*Primeiro de Abril*," at anchor off the Bay of Estrella, in Ilha Grande, the 24th of September, 1840.

(Signed)

FRANC^o. ANT^o. GOMES.JACINTO ANTONIO LEAL, *Master.*ELIUTERIO DOS SANTOS PAIVA, *Steward.*JOZE JOAQUIM DE SOUZA, *Carpenter.*CARLOS AUGUSTO NASCENTES D'AZAMBUJA, *Second Lieutenant.*JOAO GUALBERTO DE ANDRADE MAIA, *Second Lieutenant, Second in Command.*JOZE MARIA NOGUEIRA, *First Lieutenant and Commander.*

(A true translation.)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

Third Enclosure in No. 211.

(Translation.)

(B.) *The Minister of Marine to the Minister of Justice.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Palace, September 29, 1840.

I HAVE the honour to enclose to your Excellency the annexed Despatch from José Maria Nogueira, First Lieutenant of the Imperial Navy, commander of the schooner "*Primeiro de Abril*," together with the Minute of the taking of a canoe, having on board 47 new Africans and other individuals, as appears by the same Minute; the cognizance of which business belonging to your department, and as the necessity of clearing the said schooner without delay, in order that she may again proceed on service, obliged me to order the people and the articles on board to be landed at the marine arsenal, and that the canoe itself should be placed in deposit, I have to acquaint your Excellency of the same for your information, and to the end that you may give such orders as you may think expedient.

God preserve, &c.

(Signed)

ANTONIO FRANCISCO DE PAULA E HOLLANDA
CAVALCANTI DE ALBUQUERQUE.*Sen. Antonio Paulino Limpo de Abreu.*

A true copy.

(Signed)

BENTO DA SILVA LISBOA.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Fourth Enclosure in No. 211.

(Translation.)

The Minister of Justice to the Minister for Foreign Affairs.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Palace, September 30, 1840.

I SEND to your Excellency, with the enclosed Despatch, which was addressed to me by the Minister of Marine, the Despatch of the First Lieutenant of the Imperial Navy, José Maria Nogueira, commander of the schooner-of-war "*Primeiro de Abril*," and the Minute of the capture of a canoe, with 47 new Africans on board, because the cognizance and adjudication of this object appertaining

to the Mixed Commission in regard to the traffic in slaves, in conformity with the respective conventions between Brazil and Great Britain, it is for your Excellency to issue orders on that subject.

God preserve, &c.

(Signed) ANTONIO PAULINO LIMPO DE ABREU.

Sen. Aureliano de Souza e Oliveira Coutinho.

A true copy.

(Signed) BENTO DA SILVA LISBOA.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fifth Enclosure in No. 211.

(Translation.) *The Minister for Foreign Affairs to the Brazilian Judge.*

Palace, October 1, 1840.

Sir,

I SEND to you herewith a copy of a communication from the Minister of Justice, with the annexed documents relative to the apprehension, by José Maria Nogueira, First Lieutenant of the Imperial Navy, commanding the schooner-of-war "*Primeiro de Abril*," of a canoe, with 47 new blacks on board, in order that you may lay this business before the Mixed Brazilian and British Commission, to which its cognizance and competent adjudication belong.

God preserve, &c.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

Sen. João Carneiro de Campos.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Sixth Enclosure in No. 211.

(Translation.) (C.) *Vote of the Brazilian Commissary-Judge on the 15th October, 1840.*

THE Brazilian Commissary-Judge, having examined the present papers transmitted to this Commission in a Despatch sent from the Secretary of State for Foreign Affairs of the 1st instant, on the subject of the capture made by the Brazilian schooner-of-war "*Primeiro de Abril*," José Maria Nogueira commander, of a canoe which was endeavouring to cross from Ilha Grande to the main land, although he ascertains from the same papers that the said canoe was carrying 47 Africans—45 of whom were newly imported, being completely "bozal," as appears from the examination which the Court ordered to be made on each of them; and two of whom appear to have come as sailors in the vessel which brought the former and many others from the coast of Africa, as may be gathered from the declarations given by these two: yet, considering that it is fully verified from the same papers, and from the information subsequently given by the commander of the schooner, and by the officer who detained the canoe in question, combined and agreeing throughout with the deposition of the two individuals found on board, that the capture of the said canoe was effected not in the territorial seas of Brazil, but in fact on a beach of the Brazilian territory itself, inasmuch as the schooner's boats in pursuit could only board her when she was already on some rocks near the aforesaid beach, so much so that the man at the helm and those at the oars, and possibly other individuals and some of the Africans, made their escape, the Brazilian Commissary-Judge is of opinion that the trial of this fact cannot belong to this Commission, but to the ordinary justice of the country; for which purpose, the said papers, together with all the subsequent acts of the Commission, should be remanded to the Government of His Majesty the Emperor, for them to give it the proper direction.

(Signed) JOAO CARNEIRO DE CAMPOS.

Rio de Janeiro, October 15, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Seventh Enclosure in No. 211.

(Translation.) *Vote of the British Commissary-Judge on the 15th October, 1840.*

WAIVING for the present any question which the 2nd article of the Instructions, intended for the ships-of-war employed to prevent the illicit traffic in slaves, might give rise to, the British Commissary-Judge confines himself to the declaration of his regret, that he cannot agree with the opinion of his worthy colleague, that the trial of the canoe captured with Africans, the same being already on the rocks of the coast of Brazil when the boats in pursuit boarded her, belongs to the authorities of the country, and not to this Commission: the same Judge considering that the simple fact of the canoe in question being driven on the rocks in her attempt to get away from the capturing boat, which was so close that it was not possible for any one to escape, though so near the rocks as that a full-grown man might, according to the captain's statement, jump on shore, is not sufficient to consider this prize as effected on land; and that, consequently, the capture made by the Brazilian schooner-of-war can only be considered as a maritime capture.

(Signed) GEORGE JACKSON.

Rio de Janeiro, October 15, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eighth Enclosure in No. 211.

(Translation.) *Vote of the British Commissioner of Arbitration on the 20th October, 1840.*

THE present question turning solely on whether the capture were made on the land or on the sea, I have to say that, apart from every consideration relative to the further meaning with regard to the treaties and to the territorial limits, I am of opinion that the capture was not made on land.

(Signed) FREDERICK GRIGG.

Rio de Janeiro, October 20, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Ninth Enclosure in No. 211.

(Translation.) (D.) *Vote of the Brazilian Commissary-Judge on the 23rd October, 1840.*

THE Brazilian Commissary-Judge, having already given his vote respecting the capture of the canoe with 47 Africans, by the Brazilian schooner-of-war "*Primeiro de Abril*," has only to add, in view of the question raised afresh with regard to the limits of the territorial seas of Brazil, that the 2nd article of the Instructions intended for the Portuguese and English vessels-of-war employed to prevent the illicit traffic in slaves, establishing, "that within cannon-shot no ship whatever can be captured even with Africans on board," it is clear that the effects of the convention terminating here, and consequently the attributes of this Commission, which acts only in virtue thereof, every act practised within the distance of cannon-shot can only be properly tried by the authorities of the country, when once this circumstance shall be ascertained and acknowledged, even though, as in the present case, the capture be made by a Brazilian man-of-war, because if the same can, without offending the rights of sovereignty of the Brazilian territory, pursue and detain any suspected vessel, it does not therefore follow that the trial of an act so committed should belong to this Commission, whose whole jurisdiction respecting it, as already stated, has ceased, and not to the authorities of the country in whose territory the capture was effected.

In view, therefore, of what has been laid down, and it being demonstrated that the chase was continued within the territorial seas of Brazil—and, further, the canoe having been boarded by the boats in pursuit when it was already on the rocks of the coast of the Brazilian continent—the aforesaid Judge has no hesitation whatever in ratifying his original vote; viz., that the trial of this capture ought, in any and every case, to belong to the authorities of the country; and that, with this view, all the documents relative to it should be re-transmitted to the Imperial Government.

(Signed) JOAO CARNEIRO DE CAMPOS.

Rio de Janeiro, October 23, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Tenth Enclosure in No. 211.

(Translation.) *Vote of the British Commissary-Judge, on the 23rd October, 1840.*

THE Brazilian Commissary-Judge having been over-ruled with reference to the doubt raised by him in his vote of the 15th instant, touching this competency of this Commission to take cognizance of the canoe in question, the British Commissary-Judge would confine himself to proceeding to give his final vote for the condemnation of this prize; acting in this conformably to the principle recognized by his colleague in not fewer than eight cases (four of which had already been prosecuted before justices of the peace), submitted to this Commission by three different administrations; "the cognizance and competent adjudication of the same belonging to it," if it had not been attempted to censure the present government for having now proceeded in the same manner, alleging that this capture, having been made in the maritime territory of Brazil, its trial could belong only to the ordinary justice of the country—having in view the 2nd article of the Instructions intended for the ships-of-war employed to prevent the illicit traffic in slaves.

Now it is sufficient to read this same article to its conclusion, as well as the succeeding one, to be convinced that the prohibition mentioned in the former had solely in view the not prejudicing the rights of sovereignty, the object of all of them being the same: viz. "to prevent the said traffic." Thus it is that Brazilian men-of-war cannot indeed capture the merchant-ships of England whilst in a port or roadstead belonging to her, or within cannon-shot of her batteries on shore; neither can English men-of-war capture any Brazilian merchantmen in parallel circumstances: but here ends the prohibition. To pretend to extend it further, and to apply it to a capture made, it is true, in the waters of Brazil, but by a Brazilian cruiser, would be to suppose the absurdity of a power interdicting herself from putting in force a law against her own subjects within her own territory; an absurdity which becomes the more striking when we consider the liberty stipulated for at the end of the article in question—to address proper representations to the authorities of the country in case suspicious vessels should be found in such a situation.

The objection, therefore, drawn from the territorial question being refuted, it only remains for us, in order to decide that of the competency of this Commission in the present case, to refer to the 1st article of the aforesaid Instructions, which orders that the detained vessel be brought as soon as possible, for judgment, before the Mixed Commission: and he it remarked, this injunction is so express that the captor required no further authority for thus acting; whilst it is seen, by the documents transmitted to this Commission, that the act of the capture of the canoe with 47 new Africans had been submitted to three different departments of state, before reaching the only tribunal competent to try it, established by the Convention of 1817.

Such being the opinion of the British Commissary-Judge, after the most mature examination of this question, he will do no more than submit it to the consideration of his worthy colleague the

Brazilian Commissary-Judge, and invite his concurrence in the final sentence of condemnation of the canoe in question.

(Signed) GEORGE JACKSON.

Rio de Janeiro, October 23, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eleventh Enclosure in No. 211.

(Translation.) *Vote of the British Commissioner of Arbitration on the 26th October, 1840.*

In my opinion the Mixed Commission is not competent to take cognizance of this case, inasmuch as the chase and the capture of the canoe were within the territorial seas of Brazil, recognized by the law of nations; wherefore I am of opinion that this entire case, and its papers, be returned to the Imperial Government.

(Signed) FREDERICK GRIGG.

Rio de Janeiro, October 26, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Twelfth Enclosure in No. 211.

(E.) *Final Judgment of the Court in the Case of the Canoe with 47 Africans.*

Rio de Janeiro, October 29, 1840.

THE present papers, transmitted to this Commission in a Despatch of the 1st instant from the Department of State for Foreign Affairs, respecting the capture made by the schooner of war "*Primeiro de Abril*," José Maria Nogueira, commander, of a canoe which was attempting to cross from the port of Abraço, in Ilha Grande, to the mainland, being examined, it is seen that although it appears from them that the said canoe was carrying 2 white men and 47 Africans, 45 of whom were newly imported, being completely "bozal," as appears from the examination which the Court ordered to be made upon each of them, and 2 of whom appear to have come as sailors in the vessel which brought the former and many others from the coast of Africa, as may be gathered from the declarations given by these two; yet it being ascertained from the same papers, and from the information given by the commander of the schooner, and by the officer who detained the canoe in question, not only that the chase given by the boats of the schooner "*Primeiro de Abril*" was already in the territorial seas of Brazil, but even that she was only boarded when they had already reached the shore, near to some rocks, at a great risk, and that at that very spot the men at the oars and the helmsman effected their escape by throwing themselves into the sea, as well as some Africans, of whom Azambuja, the second lieutenant of the schooner "*Primeiro de Abril*," was able to save five. The undersigned Brazilian Commissary-Judge and the British Commissioner of Arbitration, in view of such facts, are of opinion that the trial of this capture does not belong to this Commission, and that the papers above referred to, together with all the subsequent acts of this Commission, should be remanded to the department of state from whence they came, in order that the Imperial Government may decide upon the judicial measures which may be proper in the present case, as well with regard to the Africans and the canoe as to the two individuals named David Gomes Jardim and Joaquim Gomes Jardim, captured in the same.

(Signed) JOAO CARNEIRO DE CAMPOS.
FRED. GRIGG.
GEO. JACKSON.

Overruled as regards the competency of this Commission.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Thirteenth Enclosure in No. 211.

(F.) *Report of the Case of a Canoe taken with 2 White Men and 47 Africans, by the Brazilian Schooner of War "Primeiro de Abril," in the attempt to cross from Ilha Grande to the Mainland, on the 24th September, 1840.*

Rio de Janeiro, October 31, 1840.

THIS canoe was seen by the Brazilian schooner of war "*Primeiro de Abril*," in the afternoon of 24th September, 1840, apparently laden with new Africans, the schooner being then at anchor off the bay of Estrella, in Ilha Grande. Two boats were immediately despatched in pursuit, and after a chase of some hours, during which the canoe made every effort to escape, paying no regard to a constant fire of musketry, she was boarded just as she struck on some rocks jutting from the mainland, by the first boat, under the command of the second lieutenant, Carlos Augusto Nascentes de Azambuja, who found in her two white men, brothers, of the name of Jardim, coffee-planters at Rezende, in this province; a "ladino" mulatto, slave to the same; and 47 Africans, of whom 45 "bozal," and 2 "ladino." A third white man (the helmsman), 6 rowers, and some Africans (of whom 5 were picked up) threw themselves into the sea before touching the rocks, and escaped.

The "*Primeiro de Abril*" arrived in this port with her prize on the 27th September; and the official report of the captor having passed through the three several Departments of Marine, Justice, and Foreign Affairs, the case was sent on the 1st instant from the latter department to this Commission for adjudication; and on the 3rd, José Maria Nogueira, the commander of the "*Primeiro de Abril*," appeared, and ratified on oath his report, adding, that on questioning the two men who were found in the canoe as to how they came to be there, they answered, that, having gone to the estate of Dois Rios to see a machine (a model of which they had with them), on their return they found the said

canoe on the beach ready to start for the place of their residence, and that they embarked in the same without either knowing to whom she belonged or informing themselves whether the blacks were in fact "ladinos" or not, this being a matter which did not concern them, as they only required a passage; that he first saw the canoe at three o'clock in the afternoon, at two-thirds of a mile distance from the schooner under his command, and that by information he had obtained he learned that a vessel had lately arrived at the island of San Sebastian, for which he intended making the following day, in order to visit her, but that he was told that she had already sailed, and at the same time that four canoes had left her, laden from her cargo, for Ilha Grande, and that they were to be re-shipped from thence on the 25th September, at night; that the canoe that was taken was capable of carrying from 100 to 120 persons; that the two individuals found in her had employed no means, either by promises or otherwise, to be allowed to escape, nor shown any wish to do so; on the contrary, that they had behaved during the time they were on board with great dignity; that their portmanteaus had been examined on deck, in presence of the crew, but that nothing was found besides a change of linen; and that they had had no communication with the shore; that the knives mentioned in his despatch had been delivered up by the passengers themselves, and that he included them in the list of things found, as a salvo for his own responsibility; and that the instructions under which he acted were not only those established by the Treaty between Brazil and Great Britain for the abolition of the Slave Trade, but also other private ones which he had on board from his government.

The usual monition, according to the forms of this country, having issued, the examination of the two Jardims was gone into, at the close of which an exact survey of the 47 Africans was ordered by the Court, the result of which proved 45 to be "Bozal" and 2 "Ladinos."

The officer in command of the boat which first boarded the canoe was also directed to attend, which he had before been unable to do from illness, and on the 10th and 13th instant his deposition and that of the mulatto and of the two Ladino blacks were taken, making six witnesses in all.

The first witness, David Gomes Jardim, a white man, being sworn, deposed that he was a Brazilian subject, native of Rio Grande, a planter, and married; that he embarked at the port of Abraõ, in Ilha Grande, for that of Jerumerim, where he had left his mules; that he had gone there to examine a machine, at an estate called Dois Rios, for husking coffee, and to see whether he would have one made like it; that when he took passage in the canoe, which was between four and five in the afternoon, the Africans captured in her were already on board, but that, as he had to cross to the other side, he did not examine whether they were "ladinos" or "bozal," the more so as he saw they were clothed with shirts and trowsers; that he had no interest in them, nor did he know to whom they belonged; that during the time he was in the canoe he asked no questions of the master, nor heard anything on this subject; that after being on board the schooner he found that the blacks were "bozal," as he heard them questioned by an interpreter; he denied that the weapons found on board of the canoe, such as pistols and knives, belonged to him, saying, that on taking the portmanteau and cloaks out of the boat they saw these weapons in the bow of the canoe, and then pointed them out to the officer; that the port where he embarked was four or five leagues distant from that where he was to land, sailing always between islands; and on being asked whether the canoe, when captured, had already reached the shore, he replied that she was taken when she struck on a rock on the beach of the mainland; that his residence was at Rezende, distant 13 leagues from the port of Jerumerim; that canoes were in the habit of crossing from the mainland to the islands, but that he was not in the habit of making this voyage from the mainland to the port of Abraõ, this being the first time he had done so; that he left home on the 19th September, and embarked at the port of Jerumerim in the night of the 21st to the 22nd; that he crossed in a small canoe which they hired expressly for that purpose, for Rs. 20 000; and that they reached the port of Abraõ at break of day on the 22nd; that the distance from the port where he landed to the estate where he went to see the machine, was about half a league; that he agreed with the master of the canoe, who, on its striking the rock, jumped for land, together with the rowers, and that they were taken when they struck on the rock in the dark; that they were then distant from Jerumerim about three leagues; that the boats fired on them as the canoe approached the land, but that they went on rowing, and paid no regard to the fire kept up by the boat, notwithstanding the remonstrances of him, deponent, not to make them victims; that the canoe, in which he left Jerumerim with his brother and a mulatto slave, was a small one, hired solely to carry them across, and that canoes were in the habit of crossing from the mainland to the islands.

The second witness, Joaquim Gomes Jardim, a white man, a Brazilian subject, native of the town of Rezende, where he resides, a planter, and married, being sworn, corroborated in every particular the previous witness, adding that the master of the canoe made some difficulty in giving him a passage, and only agreed to do so on being offered Reis 20,000, and promised to put them on shore at some other place, where there were canoes which would take them to Jerumerim, if he did not touch there; that canoes are constantly passing with blacks for the service of the different estates; that the helmsman said the reason of the boats firing on them was the belief that they had some deserters on board belonging to the schooner; that the canoe was aground when she was taken by the boat; that he had been at Rio de Janeiro in January last, and his brother in April or August, where they both had correspondents.

The third witness, Carlos Augusto Nascentes de Azambuja, second lieutenant in the imperial navy, deposed that when the two white men found in the canoe were asked by him at the time of their capture why the canoe had not been stopped when he fired on her, they replied that the rowers would not pay any attention to them, as they were only passengers, and wished themselves to escape; that for the rest, they (the white men) had conducted themselves very properly, delivering up the weapons they had in their possession, and making no resistance or attempt to escape; assigning as a reason for their visit to the Dois Rios their wish to examine the coffee-machine, a model of which they had with them; that the 47 Africans were all taken in the canoe, with the exception of five, who were picked up out of the water; that he went in his boat to draw the canoe from off the rocks, on which she had struck; that a strong man could jump from the canoe on shore, but that she was not in fact aground, as she struck on the detached rocks that were alongside the shore, on the spot for which she was making.

The fourth witness, Bertolino, a mulatto, declared that he was the slave of Joaquim Gomes Jardim, having been born in the house of his mistress, now married to the same, and that he embarked with them at the port of Jerumerim, and went with them to Ilha Grande, to the estate of Dois Rios, to

see a machine for taking the husk off coffee, and that returning they embarked in this canoe, not finding any other; that the (new) blacks did not belong to his master, nor did he know to whom they belonged; that besides his master there was another white man in the canoe, whose name he did not know, and who jumped into the sea at the time when the canoe struck on the rocks, and whom he believed to be the master of the canoe; and that this was the first time that he (witness) had crossed the bay.

The fifth witness, Bento, a black, declared that he was a slave of one Francisco Soares of Angola; that he was deceived by the captain of a vessel, who brought him, together with many other blacks, but that he does not know the name either of the captain or of the vessel, which made the land at a point which he did not know; and that on the same day he was put with the other captured negroes into this canoe to go to Ilha Grande: he afterwards stated that it was in front of St. Sebastian that he embarked in the canoe in company with other canoes whose destination he did not know; that he saw the two white men who were in the canoe for the first time on the beach, when they were endeavouring to obtain a passage in her, and that the master at first refused, and only consented after much altercation; and that she then set sail immediately. That the white man who threw himself overboard from the canoe had come in the same vessel with him from Angola; that he first left this vessel in a small canoe, from which he afterwards passed into the one now taken, but that the two white men captured in this canoe were not on board that vessel.

The sixth witness, Joaquim, a black, declared that he was a slave of one Francisco Soares of Angola; that he was sent by him on board a vessel, the captain of which put him in irons; and that he came to this coast of Brazil in company with the Africans now captured, and with many other new blacks, who disembarked in canoes, making for different points; that in this canoe there was a white man, who had also come with him from Angola, and subsequently in this canoe, with the blacks taken in the same, and that he threw himself overboard on approaching the shore; that the two white men, now prisoners, did not come with him from Angola, and that he only saw them on the beach at the moment of their taking passage for the port they were going to, and that they were all captured on the same day on which they left the vessel.

The evidence being closed, an incidental and preliminary question arose between the British and Brazilian Commissary Judges, viz., whether this capture was made on the land or on the waters of Brazil. The latter was of opinion that it was made on land, and that it was for the authorities of the country, and not for this Commission, to try it. The former considered that it was a maritime capture, and asserted the competency of the Commission in the case.

This point being referred to arbitration, the lot fell on Her Majesty's Commissioner of Arbitration, who decided that the capture was not made on land.

The main question still remained, viz., whether the captor was authorised to make the capture and submit its trial to this Commission, in view of the Second Article of the Instructions intended for ships of war employed to prevent the illicit traffic in slaves. The Brazilian Commissary Judge again insisted on the incompetency of this Commission in consequence of that article, and that the whole case should be remanded to the Imperial Government, with a view to its being submitted to the authorities of the country: the British Commissary Judge was of opinion, that the prohibition in the first part of the aforementioned Second Article did not extend to the case of a captor in territory belonging to his own country. Resort was again had to the arbitrator who decided the former question, namely, Her Majesty's Commissioner of Arbitration, and that gentleman concurring in opinion with the Brazilian Commissary Judge, the final judgment of the Court was drawn up on the 29th instant, in conformity thereto, signed by the Brazilian Commissary Judge and the British Commissioner of Arbitration; as also, it being required by the forms of this country, by Her Majesty's Commissary Judge, as over-ruled as to the competency of the Commission; and the whole proceedings, as well those relating to the capture as to the acts of the Court, were remitted to the Imperial Government.

GEO. JACKSON.
FRED. GRIGG.

No. 212.

Her Majesty's Arbitrator to Viscount Palmerston.

Rio de Janeiro, October 31, 1840.

(Received January 25, 1841.)

MY LORD,

HER Majesty's Commissioners have had the honour to receive your Lordship's Despatch of the 24th August, 1840, enclosing a copy of a memorial from the General Anti-Slavery Convention, acquainting them 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 hold or be interested in slave property.

In the memorial in question it is stated that the Convention has learnt, with feelings of surprise and regret, that British functionaries in Brazil 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; wherefore the Convention submits to your Lordship, 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, the holding, hiring, buying, or selling slaves by British func-

tionaries is not only an open violation of these just and equitable principles, but that it materially contributes to prevent the extinction of slavery in those countries, and throughout the world at large.

In reply to your Lordship's Despatch, I am enabled to report that from the day of my arrival in this country to the present I have never held, directly or indirectly, a single slave, or been in any way interested in slave property.

I have been, however, and am still, obliged to yield to the necessity of hiring slaves as household servants, inasmuch as there are but few white servants here, and that, besides requiring inordinate wages, they will not perform the services which are habitually discharged by servants in Europe, and thus require, with scarcely an exception, an under establishment of slaves.

I have, &c.

(Signed) FRED. GRIGG.

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

(Extract.)

No. 213.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, November 24, 1840.

(Received January 25, 1841.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th September, 1840, in which your Lordship acquaints us, with reference to previous correspondence upon the subject of the "*Flor do Loanda*," that Her Majesty's Advocate-General has reported his opinion that for the reasons therein given this Court could not award damages to the owners of that vessel, and instructs us to act strictly in accordance with this opinion, should an attempt be made by parties interested in the "*Flor do Loanda*" to bring under the consideration of the Court any such claim on account of the seizure of that vessel.

In assuring your Lordship of our punctual attention to this instruction, we beg leave to add that no claim or representation of any kind whatever has reached us with regard to the "*Flor do Loanda*" since the Court declared its incompetency to deal with that case; nor do we consider that our colleagues would be at all more disposed than ourselves to entertain any such claim, or representation, if made; and as regards our own individual opinion, your Lordship will, moreover, have observed in the proceedings of Her Majesty's Commissary-Judge on former occasions the distinct assertion of the principle, that no compensation is due to traders for losses sustained by them in cases of illegal traffic.

No. 214.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 2, 1841.

(Received March 6.)

MY LORD,

In pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George IV., entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit herewith a return of all vessels adjudicated in the Mixed British and Brazilian Court of Commission established in this city, from the 5th of July to the 31st December, 1840.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 214.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, from the 5th of July to the 31st of December, 1840.

Name of Vessel.	Tonnage.		Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Decretal part of Sentence.
	Brazilian Ad- measurement.	British Ad- measurement.		Lat.	Long.				
Paquete de Benguela	Tons. 70	Tons. 56	1840. August 29	23° 20' S.	44° 6' W.	Patacho, and 280 negroes.	Her Majesty's brig "Wizard," Lieutenant Birch commanding.	1840. Sept. 28	Vessel condemned, and the surviving Africans, to the number of 274, emancipated.
Alexandre	73	56½	Sept. 2	S. W. ½ S. from the	23 miles Sugar Loaf	Galliot & cargo	Her Majesty's sloop "Grecian," William Smyth, Esq., Commander.	Sept. 10	Restored to her owners, being proved to be a coasting vessel not employed in the traffic of slaves.
A Canoe 40 feet long	..	..	Sept. 24	Off the Estrela in	Bay of IlhaGrande.	Canoe, and 47 Africans.	Brazilian schooner of war "Primeiro de Abril," Lieutenant José Maria Nogueira commanding.	Oct. 29	Remitted back to the Imperial Go- vernment; the Court, upon arbitra- tion, considering itself incompetent in this case, from the locality of the capture.

No. 215.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 9, 1841.

(Received March 6.)

MY LORD,

IN our Despatch of the 17th of October, 1840, we had the honour to inform your Lordship that a claim for indemnities had been presented to the Court in the case of the restored Brazilian galliot "*Alexandre*," and that such claim was under consideration.

Among other items claimed was a sum of money amounting to 800,000 Rs., which the master asserts he had when taken. This the captor having denied, the Court required proof of the existence of such sum before it would go into any further examination of the claim. To this day, though we understand some steps have been taken before the British Conservator, this proof has not been furnished, and we have, consequently, no further report for the present to make to your Lordship on the subject.

When the case closes, we shall not fail to possess your Lordship with every particular respecting it.

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

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

No. 216.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 11, 1841.

(Received March 25.)

MY LORD,

WE have the honour to transmit herewith a list of all such vessels as sailed from Rio de Janeiro for the coast of Africa, from the 1st of June to the 31st of December, 1840, as also of those which during the same period have arrived thence.

The departures, 35 in number, comprise a tonnage of 5710; and the arrivals, to the number of 18, of 1774 tons.

The principal novel feature which this list of departures exhibits, is the assumption of Brazilian colours by those very vessels which were formerly wont to sail under those of Portugal, and of which unfortunately not one has been taken by Her Majesty's cruisers on this coast. 27 cleared out as Brazilian, and only 3 as Portuguese; 1 Russian and 1 Danish vessel are also found in this list, and 3 North Americans. Whether the 2 former were destined for licit or illicit trade we have no means of ascertaining, but the 3 latter have become very notorious for their perseverance and successful adventures in the Slave Trade: the "*Pilgrim*" particularly, specially reported by us in a preceding Despatch, has distinguished herself, as will appear from these lists, by her activity.

The arrivals, your Lordship will observe, are comparatively few, only 18, or, deducting those respecting which no grounds for suspicion exist, not more than 12, viz. :—

3 Brazilians,
5 Portuguese, and
4 North Americans.

According, therefore, to the usual average of 3 slaves to a ton, the arrivals during the last 7 months would show an importation into this province of 5322; but here it must be borne in mind, that many vessels on their return from the coast of Africa either land their slaves without entering any port at all, or else enter some of the outports, where the facilities of deception are

greater, and then on their arrival here report themselves as from that outport with some licit cargo.

The effects too of the Act of the 24th of August, 1839, and of the increased activity of Her Majesty's cruisers on both the western and eastern coasts of Africa, may well account for this diminution, as the employment of late of so many of the British squadron in the river Plate may explain the unmolested departure of vessels bound hence to those coasts.

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

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

First Enclosure in No. 216.

Departures from the Port of Rio de Janeiro for the Coast of Africa, from the 1st of June to the 31st of December, 1840.

Date.	Name of Vessel.	Tonnage	Nation.	Whither.
1840.				
June 2	Andorinha . . .	271	Brazilian .	Cape Verde por Angola.
„ 7	Josephina . . .	120	„	Angola e Benguela.
„ 14	Estrellado Cabo . . .	217	„	Benguela.
„ 19	Commissary . . .	403	American .	Cape Verde pela Bahia e Pernambuco.
„ 20	Elisa . . .	55	Brazilian .	Cape Verde por Benguela.
July 12	Pacifico . . .	305	„	„ Angola.
„ 23	Claudina . . .	130	„	Açores por Africa.
Aug. 1	Feliz Animoso . . .	180	„	Benguela e Costa da Mina.
„ 6	Maria . . .	147	„	Gôa por Sofala.
„ 18	Conceição Felicidade do Brazil.	110	„	Cape Verde por Benguela.
„ 27	Marianna . . .	80	Portuguese	Benguela.
„ 30	Sophia . . .	294	American .	Cape Verde por Ambriz.
„ 30	Fluminense . . .	122	Brazilian .	„ Benguela.
Sept. 4	Espadarte . . .	125	„	Benguela por Pernambuco.
„ 5	Pilgrim . . .	205	American .	St. Thomé.
„ 5	Johannes . . .	448	Russian .	Cape Verde pela Bahia.
„ 13	Dous Amigos . . .	227	Brazilian .	„ por Angola e Benguela.
„ 16	Orozimbo . . .	192	„	Angola e Benguela.
„ 17	Onze de Novembro . . .	206	„	St. Thomé por Africa.
„ 26	Fortuna . . .	208	„	Cape Verde por Benguela.
Oct. 4	Animo Grande . . .	217	„	Moçambique.
„ 6	Jacob . . .	473	Dane . .	Cape Verde.
„ 11	Paquete do Rio da Prata	154	Brazilian .	Angola.
„ 29	Vinte Tres de Julho . . .	81	„	Benguela.
„ 30	Vencedora Feliz . . .	85	„	Ditto.
Nov. 10	Constante . . .	237	Portuguese	Açores por Africa e Canarias.
„ 15	Bom Fim . . .	55	Brazilian .	St. Thomé.
„ 15	Jupiter . . .	164	„	Benguela.
„ 15	Bella Flor . . .	34	„	Ilha do Principe.
„ 23	Tejo . . .	268	„	Gôa por Africa.
„ 29	Aventureiro . . .	212	Portuguese	Lisbon por Cape Verde.
Dec. 3	Nova Inveja . . .	137	Brazilian .	Cape Verde.
„ 14	Josephina . . .	120	„	Benguela.
„ 25	Bella Marilha . . .	126	„	Angola.
„ 27	Estrella do Cabo . . .	223	„	Benguela.

Second Enclosure in No. 216.

Arrivals at the Port of Rio de Janeiro from the Coast of Africa, from the 1st of June to the 31st of December, 1840.

Date.	Name of Vessel.	Ton- nage.	Nation.	Whence.	Cargo.	Remarks.
1840.						
June 23	Georgiana	52	Hamburgh	Cape Verde	Salt.	
July 4	Marianna	80	Portuguese	Benguela	Wax and Ivory	Stopped by Brazilian police, but subsequently liberated.
„ 5	Robert Watt	220	English	Cape Verde	Salt.	
„ 18	Pilgrim	180	American	Cabinda	In ballast .	Ditto.
Aug. 22	Frederica Louisa . .	136	Dane	Cape Verde	Salt.	
„ 30	Bellona	117	Portuguese	Angola	In ballast .	Ditto.
„ 31	Idalia (Paquete de Benguela.)	70	„	Benguela	„	Prize to H.M.B. "Wizard."
Sept. 15	Betty	219	Dane	Cape Verde	Salt.	
„ 19	Lord Anson	124	English.			
„ 26	Vencedora Feliz . .	85	Brazilian	Benguela	Wax and Ivory	Stopped by Brazilian police, but subsequently liberated.
Oct. 3	Josephina	120	„	Angola	Wax and Oil	Ditto.
„ 17	Flor de Loanda . . .	160	Portuguese	„	„	Ditto.
„ 18	Estrella do Cabo . .	217	Brazilian	Benguela	Wax and Ivory	Ditto.
„ 22	Carolina	252	American	Cape Verde	Salt.	
Nov. 26	Aminius	154	Bremen.			
„ 26	Pilgrim	180	American	Cabinda	In ballast .	Ditto.
Dec. 22	Conceição da Maria .	181	Portuguese	Angola por Pernambuco.	Oil and Wax.	
„ 23	Sophia	132	American	Ilha do Maio	Salt.	

No. 217.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 12, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of an instruction which I have this day addressed to Her Majesty's Chargé d'Affaires at Rio de Janeiro, respecting the negroes emancipated by sentence of the Mixed British and Foreign Commission established at Rio de Janeiro; and I have to desire that you will facilitate to the utmost of your power the arrangements therein contemplated.

Whenever the negroes in question shall be brought before you, you will ask each negro separately whether he or she would like to go to a British colony, explaining to them that slavery having been entirely abolished by law in the British dominions, they would be sure to retain their liberty therein. And if the Brazilian Government or the Brazilian Commissioners should make any objection to this proceeding, your reply will be that these negroes are by Treaty and by sentence of the Mixed Court free, and that being free they may go where they like, without requiring the consent of the Brazilian Government.

Such of these negroes as may wish to leave Brazil should be placed by you under the care of the officer who may be appointed by Her Majesty's Chargé d'Affaires to receive them, in order to their being sent to a British colony.

I have, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 217.

Viscount Palmerston to Mr. Ouseley. March 12, 1841.

(See Class B.)

No. 218.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 20, 1841.

I HAVE referred to Her Majesty's Advocate-General your Despatch of the 5th of October, 1840, containing your report of the case of the Brazilian vessel "*Alexandre*," adjudged by you upon a charge of Slave Trade; and I have to acquaint you that the Queen's Advocate does not see any reason for doubting that the "*Alexandre*," at the time of her detention by Her Majesty's brig "*Grecian*," was engaged in an innocent coasting voyage between Rio de Janeiro and Campos. And the Queen's Advocate is therefore of opinion that the Court of Mixed Commission at Rio de Janeiro acted quite properly in decreeing her release.

I am, &c.

(Signed) PALMERSTON.

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

No. 219.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, February 8, 1841.**(Received April 10.)*

MY LORD,

ON the 16th ultimo Lieutenant Foote, of Her Majesty's brigantine-of-war, "*Fawn*," brought into Court the papers of a vessel called "*Asseiceira*," detained, under no colours, on the 31st of December, 1840, off St. Sebastian, with 332 slaves on board, by the said brigantine-of-war, Her Majesty's brig-of-war "*Partridge*" being in company with the "*Fawn*" at the time.

This case was entered upon without delay, and most of the witnesses had been examined, when the proceedings of the Court were suspended for some days by the circumstances related in our succeeding Number.

We must confine ourselves, therefore, on this occasion to informing your Lordship of the capture of the "*Asseiceira*," and to the transmission of the following introductory papers.

The declaration and affidavit made of the capture by Lieutenant Foote.

A supplementary declaration made before the Court on the 18th of January, by Mr. Gabriel Johnson, mate of Her Majesty's ship "*Fawn*," relative to the same.

A letter from Lieutenant Foote to the Court of the same date, enclosing an extract from the official log of the "*Fawn*," respecting the precise spot where the prize was taken, and adding that he had left Mr. W. C. Marshall (mate of Her Majesty's brig "*Partridge*") in charge of the "*Asseiceira*."

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 219.

Captor's Declaration.

I, JOHN FOOTE, lieutenant and commander of Her Britannic Majesty's brigantine "*Fawn*," hereby declare that on this 31st day of December, 1840, being off the island of St. Sebastian 20 miles, I detained the vessel named the "*Asseiceira*" (Her Majesty's brig "*Partridge*" being in company at the time), sailing under no colours, armed with no guns, commanded by Antonio da Silva Mellão (nominally), who declared her to be bound from "*Quillimane*" to Ilha Grande, with a crew consisting of 23 men, 5 passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 332 slaves, said to have been taken on board at Quillimane, on the 3rd day of November, 1840, and are enumerated as follows:—

	Healthy.	Sickly.
Men	74	11
Women	19	6
Boys	152	16
Girls	51	3
	296	36

I do further declare that the said 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 in their destined voyage to *Ilha Grande*. I do further declare that the Africans appeared healthy after so long a voyage, which I attribute to their being constantly allowed to come on deck; the chief part consisting of young boys and girls, the majority of whom were labouring under the effects of cutaneous eruptions.

(Signed) JOHN FOOTE, *Lieutenant and Commander,*
Her Majesty's Brigantine "Fawn."

Witnessed (Signed) GABRIEL JOHNSTON, *Mate.*
EUSTACE J. WALSH, *Assistant Surgeon.*

List of the Crew.

Antonio da Silva Mellão, master.	Antonio Maria, seaman.
João Baptista Boisson, 1st pilot.	Francisco Antonio (a), do.
Wenceslau Baptista da Silva, 2nd pilot.	Joaquim da Costa, do.
Jozé Gomes Machado, contra master.	Jozé Pereira, do.
Francisco Antonio de Campos, seaman.	Fabliano Jozé, do.
Jozé Martins da Cunha, do.	Francisco M. Pinto, do.
João Lopez Vieira, do.	Francisco Antonio, do.
Antonio Jozé da Silva, do.	João Thomas, do.
Manoel Gonçalves Braga, do.	João Gonçalves Janes, do.
Amancio Nunez, do.	Manoel Antonio Durado, boy.
Luiz Correa Marcos, do.	Antonio Jozé Teixeira, seaman.
Antonio Vieira, do.	Jozé da Silva, do.

Passengers.

Manoel Ribeira d'Abrea.
Manoel Miz Machado.
João Jozé Pereira.
Jozé da Costa Fer. Guimaraes.
Jozé Joaquim da Silva Lisboa.
Also 4 blacks, acting as cooks to the negroes.

I do further declare that one slave died at sea on the passage to Rio de Janeiro.

(Signed) JOHN FOOTE.
GABRIEL JOHNSTON, *Prize Master and Mate.*

I do further declare that I seized the following sums of money from the undermentioned passengers, being part owners of the Africans on board the said brig "*Asseiceira*," viz:—

Jozé da Costa Fernando Guimaraes, 312 half-doubloons.
Manoel Ribeira d'Abrea, 59 half-doubloons 4 dollars $\frac{1}{2}$ dollar.
João Jozé Pereira, 8 half-doubloons 7 dollars.

(Signed) JOHN FOOTE, *Lieutenant and Commander.*

Our Sovereign Lady the Queen Victoria against the brig "Asseiceira," João Antonio da Silva Mellão, Master, her tackle, apparel, and furniture, and the goods, wares, merchandise, and slaves on board the same; taken by Her Majesty's brigantine-of-war "Fawn," John Foote, Esq., lieutenant and commander, and brought to Rio de Janeiro.

Appeared personally John Foote, lieutenant and commander of Her Majesty's brigantine "Fawn," duly authorised and empowered according to the provisions of the Additional Convention to the Treaty between His Imperial Majesty and Her Britannic Majesty, to make seizures of vessels under Brazilian colours engaged in the Slave Trade, being duly sworn, maketh oath that on the 31st of December, 1840, being to the eastward of St. Sebastian 20 miles, Point Joatinga bearing N. by E., Her Majesty's brig "Partridge" being in company at the time, he seized and detained the vessel called "*Asseiceira*," whereof João Antonio da Silva Mellão was master, by reason that the said vessel was employed in the traffic in slaves, contrary to the existing Treaties entered into with His Britannic Majesty and His Imperial Majesty the Emperor of Brazil. And the deponent further maketh oath that the papers, writings, and documents hereunto annexed, marked from No. 1 to No. 18 inclusive, were given up to and seized by this deponent, and that the same 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.

(Signed) JOHN FOOTE.

Second Enclosure in No. 219.

Supplementary Declaration of Mr. Gabriel Johnston, Mate of Her Majesty's ship "Fawn."

Rio de Janeiro, January 18, 1841.

THAT he is the officer who was first ordered on board the brig "*Asseiceira*." That when at the distance of 50 fathoms from the vessel he ordered two musket-shots to be fired from the boat in which he was, as the vessel had not hoisted any colours, upon which a Portuguese ensign was shown from the vessel's stern, which was taken for a signal of surrender. That he then ran alongside, and took possession of the vessel, finding that she had on board a cargo of slaves. That the passengers and crew were afterwards sent on board the "*Fawn*," her commander having arrived in the interim. That subsequently he, the deponent, was left in charge of the vessel, with orders to proceed to Rio de Janeiro in company with the "*Fawn*," the master, Mellão, and the first pilot, Boisson, remaining on board with him. That in a conversation which he had with Boisson he told deponent that a part of the slaves on board belonged to the passengers, declaring how many belonged to each—70 to one, and 100 and odd to another; but that he does not now remember their names, although they were told to him. That finally, after 14 days' voyage, he arrived with the prize in this port, where he anchored, and immediately sent the slaves on board Her Britannic Majesty's frigate "*Crescent*," by order of Commander Christie, of Her Majesty's sloop "*Rose*." That Lieutenant Foote came afterwards on board the "*Asseiceira*," and carried away with him the master and the pilot on board the "*Crescent*," leaving him, the deponent, in charge of the prize.

(Signed) GABRIEL JOHNSTON,
Mate of H. M. S. "Fawn."

Third Enclosure in No. 219.

Lieutenant Foote to the Mixed Commission.

H. M. Brigantine "Fawn," January 18, 1841.

GENTLEMEN,

I BEG leave to enclose an extract from the official log of Her Majesty's brigantine under my command of the 31st of December, 1840, respecting the position of the Portuguese brig "*Asseiceira*" at the time I detained her.

I also beg leave to acquaint you that I have left Mr. W. C. Marshall (mate of Her Majesty's brig "*Partridge*" and witness to the capture) in charge of the said brig "*Asseiceira*," her apparel and furniture.

I am, &c.
(Signed) JOHN FOOTE,
Lieutenant and Commander, H. M. B. "Fawn."

*The Commissioners of the Mixed Commission Court,
Rio de Janeiro.*

An Extract from the Log of Her Majesty's Brigantine "Fawn," December 31, 1840.

"P.M. Hauled up in chase of a suspicious-looking brig to the southward, with no foretop-gallant-mast, Her Majesty's brig '*Partridge*' in sight on our starboard quarter—observed a boat from her pulling towards us.

"3. 30. Observed the brig, our chase, alter her course; set larboard studding-sails in chase ('*Friar's Hood*' bearing N. over Joatinga Point).

"4. *Friar's Hood* N., Joatinga N. $\frac{1}{2}$ E. '*Partridge's*' boat came alongside with her commander, who came on board. Observed chase make more sail, steering more to westward. Made the signal to '*Partridge*'—join in chase—sent gig to board and examine her. Fired 6-pounder blank twice to bring her to. Chase about 5 or 6 miles a-head—sent '*Partridge's*' gig still alongside to follow and board her also.

"6. 15. Boats boarded her—observed her shorten sail and round-to—making the concerted signal for a prize.

"7. 45. Shortened sail and hove-to, to leeward of the prize. Found her to be the Portuguese brig '*Asseiceira*,' from Quillimane, with 332 slaves—Point Joatinga bearing N.N.E., '*Friar's Hood*' N. by E. $\frac{1}{2}$ E., centre of the Island of Busios due W."

(Signed) "JOHN FOOTE."

No. 220.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, February 8, 1841.

(Received April 10.)

MY LORD,

THE real master and supercargo of the prize "*Asseiceira*," a Frenchman by birth, João Baptista Boisson, was originally an officer in the Brazilian navy; and an elder brother of his is, at this moment, high in the same service.

As the time approached for the examination of the former, reports became current that some attempt at a rescue in his passage to the Court would probably be made; and the Marshal having on the 21st and 22nd ultimo made

statements to that effect, it was determined to lay the case before the Government.

We have the honour to transmit to your Lordship herewith translated extracts from our minutes on this subject, which were forwarded immediately by the Brazilian Commissioner, who, on the 4th instant, presented the answer of his Government, of which the enclosed is a translation, to the effect, that though any obstruction would be duly suppressed, orders had been given to prepare a room for the Commission at the Marine Arsenal, where on more than one occasion, from a similar apprehension of disturbance, the Court had been requested by the Imperial Government to hold its sittings.

On this occasion, the great advantage which this Commission derives from the circumstance of Senhor João Carneiro de Campos, the Brazilian Commissary Judge, being also Under Secretary of State, became very apparent. That gentleman being absent on a short leave, his duties have devolved on the Commissioner of Arbitration, who, being no otherwise connected with the Imperial Government, does not possess the same facility of communication; so that a determination, which would have been obtained by the former probably in twenty-four hours, in the present instance required a delay of ten days.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

&c. &c. &c.

First Enclosure in No. 220.

Extract of the Minute of Session of January 21, 1841.

THE secretary presented the report made by the Marshal of the Commission, which is as follows :

ILLUSTRIOUS SIR,

Rio de Janeiro, January 21, 1841.

I HAVE the honour to communicate to you, to be made known to the Commission, that on my arrival to-day with the prisoners at the Marine Arsenal, an officer of the Imperial Navy, said to be called Boisson, who was waiting, presented to the serjeant of the escort a paper, telling him that it was an order from the commander of the "Permanentes," in order that his brother might not be conducted in the midst of the guard, but that he should go arm in arm with his brother at a certain distance from it; but as the said prisoner did not come, the serjeant would not read the paper, and we went on our way; on arriving at Pescadores Street, the said officer came up to me, and told me the same, begging of me to accede to it; I answered that the orders of the Commission would not allow me, and without its orders I could not accede to it.

I have, &c.

(Signed) THOMAS B. HUNT,
Marshal of the Commission.

To Lieutenant Braz Martins Costa Passos.

The British Commissary Judge declared, that having heard, beside this communication, that there was a question of an attempt at a rescue, whenever the said Boisson might come to be examined before the Commission, he proposed to his worthy colleague, as well to avoid such an attempt as in consideration for an individual who had a brother of high rank in the Imperial Navy, and who himself had formerly belonged to the same, that the same expedient should be resorted to in the present case as has before been practised, viz., to bring this individual to the Marine Arsenal to be examined, instead of having him brought to the Mixed Commission Court House. To which the acting Brazilian Commissary Judge answered, that having the greatest reliance on the Brazilian authorities, he thought it would be sufficient to give a particular recommendation to the commander of the Municipal Corps of "Permanentes" in bringing up the prisoner; but to satisfy his colleague, he would communicate to His Imperial Majesty's Government the minute of this day's session upon this subject, to determine as it might think proper.

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Enclosure in No. 220.

Extract of the Minute of Session of January 22, 1841.

THE secretary presented a further communication, made to-day by the Marshal, which is as follows :

ILLUSTRIOUS SIR,

Rio de Janeiro, January 22, 1841.

I HAVE the honour to communicate to you that the officer, Boisson, has to-day spoken again to me upon the same subject, and at my request he immediately showed the order he had mentioned yesterday, signed with a name I could not read; but he told me that it was from the commander of the "Permanentes," ordering the officer commanding the escort to deliver up to him (the officer) his

brother, who was a prisoner. I told him I should follow the orders of the Commission, when he declared that he would never consent that his brother should be brought up in the midst of soldiers, and that he would sooner lose twenty lives, if he had them, and that he did not care for whatever disturbance there might be, for that it was an infamy to see an officer of superior rank in the midst of an escort.

I have, &c.
(Signed) THOMAS B. HUNT.

Senhor Braz Martins Costa Passos, Secretary.

In consequence of which the acting Brazilian Commissary Judge said that he would communicate this, as well as what occurred yesterday, to his Government.

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

A true translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Third Enclosure in No. 220.

The Minister for Foreign Affairs to the Brazilian Judge.

Palace, February 3, 1841.

SIR,

ACKNOWLEDGING the receipt of your Despatch of the 23rd of January last, transmitting copies of the Minutes of Session of the Court, of the 18th, 21st, and 22nd of that month, I am to acquaint you, with respect to the proceeding practised, which prevented the bringing the prisoner, João Baptista Boisson, under escort before the Mixed Commission, that although there can be no doubt in contro, the officer or any other individual who may attempt to obstruct the ways of justice, yet that the necessary orders have been given to the Inspector of the Marine Arsenal to prepare for the Mixed Brazilian and English Commission a room where they may make the required examination.

God preserve you, &c.

(Signed)

AURELIANO DE SOUZA OLIVEIRA CONTINHO.

Senhor João Pereira de Souza.

A true translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fourth Enclosure in No. 220.

(Translation.)

Marshal's Certificate.

I CERTIFY, that in virtue of the above order for his appearance before the Court, I went on board the English frigate "Crescent," and made João Baptista Boisson acquainted with the whole contents of said order, which he acknowledged.

On reaching the shore, the said prisoner was taken from the guard by an officer of the Corps of Permanentes, therefore I could not consider myself responsible either for the person of the prisoner, or for the fulfilment of the order not to allow communication with any one; but I am not aware that on this occasion he had communication with any person, unless it was with his brother.

(Signed)

THOMAS B. HUNT,

Marshal of the Court.

Rio de Janeiro, February 5, 1841.

I further certify, that when the prisoner was taken by the officer from the guard, his brother was present, and accompanied them a few yards, but I cannot say whether he spoke to him or not, because I remained at a distance with the guard.

(Signed)

THOMAS B. HUNT.

Rio de Janeiro, era ut supra.

A true translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 221.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 11.)

No. 222.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, February 24, 1841.

(Received April 15.)

MY LORD,

IT having been announced, on good authority, that two vessels with evident proofs of having been engaged in Slave Trade had been taken off Ilha

CLASS A.

Grande by a Brazilian man-of-war, and no notification of the circumstance having been made to the Court, we took occasion to mention it verbally to Her Majesty's Chargé d'Affaires, to whom, on the publication of an official Aviso from the Minister of Marine to the Minister of Justice, calling on the latter to cause the necessary steps to be taken for the trial of the above-mentioned vessels, we wrote the official letter of which we have the honour of enclosing herewith a copy; as also of a letter we received yesterday from Mr. Ouseley in reply, and of our rejoinder.

We do not forward copies of the Enclosures in that gentleman's letter, taking it for granted that your Lordship will have received them direct from himself.

We have only to add that we respectfully, but anxiously, wait your Lordship's decision on the point in question.

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

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

First Enclosure in No. 222.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, January 15, 1841.

WE have already had the honour of communicating with you, confidentially, respecting the two vessels recently taken by the Brazilian man-of-war "*Primeiro de Abril*," in the neighbourhood of Ilha Grande, on suspicion of having been engaged in the traffic of slaves, and which, we stated, we had good reason for believing it was not the intention of the Imperial Government to bring before the Mixed Commission for adjudication.

We beg leave now to call your attention to the enclosed Aviso, which, being dated so long back as the 2nd inst., would seem to confirm our impression.

It is for you, Sir, to decide whether any, or what steps should be taken in a case where both the principle of our Slave Trade Treaties, and eventually, perhaps, the pecuniary interest of Her Majesty's Government, are concerned. Should you think any representation to the Brazilian Government expedient, the successful application of Mr. Fox, in the year 1834—*vide* Nos. 106, 107, 111-113; pages 141, 157, Class A., presented in 1835, in the case of two vessels, with regard to which the same backwardness on the part of the Brazilian Government appeared—you may, perhaps, Sir, consider as affording a promising precedent.

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

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

Second Enclosure in No. 222.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

British Legation, February 21, 1841.

WITH reference to the subject of your official letter of the 15th January last, I enclose, for your information, copies of a correspondence which has taken place between Her Majesty's Legation and the Brazilian Government.

You will perceive that, before the receipt of your letter of the 15th January, I had addressed the Brazilian Minister of Foreign Affairs respecting the two vessels detained by the "*Primeiro de Abril*;" indeed, previously to the date of my note (13th January) it had been the subject of personal communication, at which time the minister stated that he was completely uninformed as to the matter in question.

I do not forward copies of some other notes which passed relative to these captures, as their object was on my part merely to remind the Minister for Foreign Affairs of the application that I had made, and on that of his Excellency to say that no answer had (up to the date of his note of the 18th instant) been received from the proper quarter.

I should be obliged by your not entirely losing sight of this matter; and should you be enabled hereafter to furnish me with any information, or to suggest any steps to be taken respecting it, I should gladly avail myself of your assistance.

The British Commissioners,
&c. &c. &c.

I have, &c.
(Signed) W. G. OUSELEY.

Third Enclosure in No. 222.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, February 23, 1841.

WE beg to acknowledge the receipt of your letter of the 21st instant, enclosing copies of a correspondence which has taken place between Her Majesty's Legation and the Brazilian Government,

respecting the two vessels detained by the "*Primeiro de Abril*," and to thank you for the communication of these documents.

The sentence of this Court in the recent case of the canoe, taken also by that vessel, proceeded on the same principle as the note of the Brazilian Minister for Foreign Affairs of the 18th instant.

From that principle, Sir, you are aware that Her Majesty's Commissary-Judge strongly dissented.

Your course, with reference to the present question, will naturally be guided by your own view of the correctness or incorrectness of the principle put forward; but the grounds of such dissent having been fully stated in his votes on that occasion, we are not aware that we can furnish you with any information, or suggest any steps practicable for the present. The ultimate decision must depend on what shall be determined to be the true construction of the treaty; which is the more important because not only is the reply of the Brazilian Minister contrary to precedent on several occasions, but it is evident that, if persisted in, the chief co-operation Great Britain can look for on the part of the Brazilian marine becomes valueless—namely, the intercepting slave-vessels along these coasts; and that, too, even in the case of slaves being found on board; for that circumstance would in no way affect the principle.

We have, &c.

(Signed)

GEO. JACKSON.
FRED. GRIGG.

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

No. 223.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 22, 1841.

Circular, sending Treaty with Hayti.

(See No. 12.)

No. 224.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 29, 1841.

I HAVE received your several Despatches of this year up to that of the 24th of February last.

I herewith transmit to you, for your information, a copy of a letter which I have caused to be addressed to the Secretary to the Admiralty, respecting the conduct which the Lieutenant commanding the "*Crescent*," and the Surgeon attached to that ship, are alleged to have pursued in the case of the individual Boisson, master of the slave-vessel "*Asseiceira*."

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 224.

Mr. Backhouse to the Secretary to the Admiralty.

SIR,

Foreign Office, April 29, 1841.

I AM directed by Viscount Palmerston to transmit to you the accompanying copies of Despatches from Her Majesty's Commissioners at Rio de Janeiro, respecting the custody of persons who, having been taken to that port in Brazilian slave-vessels, have been removed to the receiving-ship "*Crescent*," to await the adjudication of the slave-vessels to which they belonged.

Referring you to the letter from Mr. Strangeways, dated the 31st December, 1839, suggesting that the Lords Commissioners of the Admiralty should instruct the commanding-officer of the "*Crescent*" to conform to such directions as he may receive from Her Majesty's representative at Rio de Janeiro, in respect to the performance of the details of the particular service for which the "*Crescent*" is to be stationed at Rio, I am to request that you will draw the attention of their Lordships to the conduct which Lieutenant Donellan, commanding the "*Crescent*," is alleged to have pursued with regard to an individual named Boisson, master of the slave-vessel "*Asseiceira*," placed under Lieutenant Donellan's custody during the adjudication of that vessel on a charge of illegal Slave Trade.

I am further to request that you will move the Lords Commissioners of the Admiralty to call upon Lieutenant Donellan to explain the circumstances of his having to communicate with Boisson on board the "*Crescent*" during the process of adjudication; and I am to state the opinion of Lord Palmerston, that if the explanation of Lieutenant Donellan upon this matter should not prove to be satis-

factory, it will be expedient for Her Majesty's service that that officer should be removed from the command of the "Crescent;" and that some other officer, whose strict execution of his duty may be more confidently relied upon, should be appointed in his stead.

I am also to request that you will state to the Lords Commissioners of the Admiralty that the medical certificate which, it is alleged, the Surgeon of the "Crescent" gave in the case of the individual Boisson does not appear to Lord Palmerston to be entitled to attention, because it is extremely improbable that so aggravated a case of dropsy as that document describes should have come on in the course of a few days; and I am to request that you will state to their Lordships that it appears to Lord Palmerston that, unless the Surgeon can furnish a satisfactory justification of that certificate, it would be desirable for Her Majesty's service that he also should be removed from the "Crescent," and that another medical officer should be appointed, whose reports may be more to be relied upon.

The Secretary to the Admiralty,
&c. &c. &c.

I am, &c.

(Signed)

J. BACKHOUSE.

No. 225.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, March 10, 1841.

MY LORD,

(Received May 7.)

WE have the honour to forward to your Lordship, in this Despatch, the sentence of the Court in the case of the "*Asseiceira*," condemning that vessel as good prize to Her Majesty's brigantine of war "Fawn," emancipating the surviving slaves taken on board the same, and declaring all the parties, Brazilian subjects, implicated in the adventure, to have incurred the penalty of the First Article of the Convention of the 23rd of November, 1826.

Respecting the emancipation of the Africans no difficulty occurred, and none that proved eventually insuperable with regard to the condemnation of the vessel; but all the endeavours of Her Majesty's Commissary Judge failed to induce his Brazilian colleague to join him in considering the individuals concerned in the adventure as guilty; and having in vain urged upon him the arguments recorded in his vote of the 12th of February, he was compelled to call for arbitration.

From our report of the case, herewith subjoined, your Lordship will learn that on this occasion the lot fell on Her Majesty's Commissioner of Arbitration; that that gentleman gave his first decision on the 15th ultimo, and that, having subsequently heard the evidence of the two notaries public, deputed by the Imperial Government to examine the handwriting of certain documents, on which he considered the evidence of the parties implicated materially to depend, he presented his final vote on the 1st instant.

From the answer given by the Portuguese Consul to the official inquiry of the Court, it appears that precisely the same course was followed with regard to the "*Dous Amigos*" as was practised with the "*Asseiceira*," viz., that she sailed with an old passport, given in Quilimane in 1837, to which the Portuguese Vice-Consul residing here affixed a visa, declaring it to be good only to the first port, and that it was there to be cancelled.

For greater precision we have the honour to enclose herewith a copy and translation of the letter of the Vice-Consul to the Registrar of this Commission on this subject.

We have, &c.

(Signed)

GEORGE JACKSON.

FRED. GRIGG.

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

&c.

&c.

&c.

First Enclosure in No. 225.

(Translation.)

Sentence.

Rio de Janeiro, March 8, 1841.

THE present proceedings being seen and examined respecting the detention by Her Britannic Majesty's brig of war "Fawn," of the Portuguese brig "*Asseiceira*," on the 31st day of December, 1840, off the island of St. Sebastian, there having been found on board of her 332 Africans; the first con-

sideration which occurs is the illegality of the papers with which the brig "*Asseiceira*" was sailing, having only a passport given on the 20th of July, 1838, by Manoel Bernardo Vidal, then Governor of Angola, for a voyage from the port of Loanda to that of Moçambique, touching at Cabinda and at Rio de Janeiro, to the Portuguese brig "*Asseiceira*," of which Antonio de Barros Valente is master, and João Machado Cardozo owner, subjects of Her Most Faithful Majesty, the said document having a "visé" of the Portuguese Vice-Consul in this city, dated 25th of January, 1840, "for a voyage to Santa Catherina, whence she will proceed direct to Lisbon, or to one of the ports of Portugal, where she is to present this passport in order to its being cancelled, and to her providing herself with the ship's papers which the law requires."

With this document the "*Asseiceira*" sailed, in ballast, on the 28th of January, 1840, for St. Catherine's, her captain being José Coelho, where she was joined by a Frenchman, by name João Baptista Boisson, who had sailed from this port in November, 1839, in the brig "*Dous Amigos*," for Goa and Moçambique, which brig had been really forced by stress of weather and her bad state to put back to St. Catherine's, instead of such act being merely a pretext, as is suggested in the argument of the captor's proctor. Immediately after the arrival of the "*Asseiceira*," Boisson appeared before the Portuguese Consul residing there as supercargo of the business of the said brig, and removed the master, José Coelho, and appointed in his place Manso Soares de Noronha, the master of the brig "*Dous Amigos*," which had put back, and received jointly with him, on board of the "*Asseiceira*," the cargo, officers, and crew of the brig "*Dous Amigos*," enrolling himself as first mate and supercargo of the said brig "*Asseiceira*;" and having presented to the said consul the passport above mentioned, he obtained from him a second visa, without referring to, and, in fact, annulling the former visa of the vice-consul at Rio de Janeiro, authorizing a voyage to Goa by Moçambique under the same condition of providing himself with the requisite ship's papers at the first port of his destination.

It is seen that the owners of the "*Asseiceira*" are José Vieira Pimenta, junior, and João Machado Cardozo, Portuguese merchants in this city, and that the same gave a letter of orders, dated Rio de Janeiro, 27th of January, 1840, to João Baptista Boisson, "to go and take the command of the brig '*Asseiceira*,' to receive the cargo of the '*Dous Amigos*,' and to follow in every respect the orders of Senhor José Bernardino de Sá."

In this process none of the papers are found with which the above-mentioned brig "*Dous Amigos*" was sailing, nor does it appear who was her owner, nor what contract he made, nor on what conditions he freighted his ship; Boisson merely declaring that he made his agreement with the captain who remained behind at Quilimane, that is, with the identical Noronha whom he had himself appointed. But by a letter, dated Rio de Janeiro, the 2nd of November, 1839, signed with the initials J. B. S., and addressed to other initials, Senhor J. B. B., (which, combined with other letters, and, even by his own avowal, prove to designate the same João Baptista Boisson,) it is seen that this person, who was then in this city, and on the eve of sailing in the "*Dous Amigos*," went charged with all these affairs, and carried with him an invoice of goods laden in the said brig, amounting to 47,699,880 reis; and by another letter bearing the same initials, dated Rio de Janeiro, 25th of January, 1840, addressed, at full length, to Senhor João Baptista Boisson, Santa Catherina, it is further seen that he (Boisson) was, in fact, to receive the cargo lying there, with the invoice which he had already on board, and that he was to proceed on the projected voyage, transshipping the entire cargo and all the crew on board of the "*Asseiceira*."

This same letter expresses that Boisson is the only person to whom the writer of the letter gives orders, and, therefore, that he (Boisson) has full authority, even to the discharging of the officers, if he should think it necessary; that he was to dispose of the entire invoice; that the orders of the writer are alone to be executed, even though other persons, such as Pimenta or Machado, should write to him; and that the merchandise is to be of the best, though, if the small packages should make much difference, as is to be expected, being good merchandise, he should purchase, but that he should always prefer the larger.

Instead of going to Goa, Boisson, under pretence of contrary winds and currents, put into Quilimane, in the beginning of June, and there he immediately proceeded to sell the cargo, as appears by the petitions made by himself to the authorities of Quilimane.

That this proceeding had no other object than that of shipping Africans, is proved by the fact of their being found on board, having been embarked at the bar of Quilimane, although Boisson asserts that this resulted from the disobedience of the master Noronha, an assertion which is abundantly disproved by the receipt which the said Noronha gave to Boisson on the 18th of June, 1840, for his pay up to that day, when he declares himself to be satisfied and discharged from the brig "*Asseiceira*."

That the "*Asseiceira*" was intended from the first to return with Africans is evident, as well from the above-mentioned allusion to the nature of the packages ("fardos") with which Boisson was to supply himself, as from there having been found in his writing-desk an instruction addressed to him, in the same hand-writing as that of the above-mentioned letter of the 26th of January, 1840, "with a particular recommendation that it should be opened on the return," pointing out to him the places on the coast, near Rio de Janeiro, which he should make on his return voyage, as also those places which he should avoid, in case he should find cruisers on the coast.

The criminality of the brig "*Asseiceira*" being thus proved, it is evident that the allegations of the proctor for the owners, in which it is attempted to prove that they have incurred no responsibility, and that no blame whatever can be imputed to them in this transaction, are unfounded, although they present a copy of the letter of orders given to the supercargo Boisson, recommending him neither to allow nor to put on board of his ship any article prohibited by law, this letter being of the very same date as that by which the same owners place their brig under the orders of another person. Qui facit per alium facit per se, is a maxim not less recognised than that which is invoked in favour of the owners, viz. "that the innocent ought not to suffer for the guilty."

It now remains to ascertain who are the parties interested in this adventure, besides those above mentioned. By the manifest and by some bills of lading of the cargo of the brig "*Dous Amigos*," reshipped at Santa Catherina on board of the brig "*Asseiceira*," it appears, at first sight, that the shippers on board of that brig are 14, whose names are given in the manifest itself; but, on examining the business with care, it is discovered that these same goods, with a slight addition, belonging to a passenger, and also 250 barrels of gunpowder, which are found in the invoice, although they are not mentioned in the manifest which was passed before the Portuguese Consulate at Rio de Janeiro,

are all included in one single general bill of lading, signed by the captain Noronha and by João Baptista Boisson, as having been laden at Rio de Janeiro by Jozé Bernardino de Sá, to be delivered to the same Boisson. This identity is proved, not only by comparing the marks, numbers, and description of the goods with the bills of lading of the supposed shippers, and with the invoice spoken of in the two letters of the 2nd of November, 1839, and 26th of January, 1840, but also by the handwriting of the last-mentioned letter, and of other documents, notwithstanding that the notaries public, Castro and Pires, deputed by the Imperial Government to examine these documents, did not venture to say whether those bills of lading are or are not written by the same hand, finding therein, as they expressed themselves, similitude and some dissimilitude. It is true that Boisson declares that the two letters above mentioned do not refer to the brig "*Asseiceira*," but to a business which had been proposed to him and which he had rejected; this subterfuge, however, is not deserving of the least credence, considering the dates and the particulars therein detailed and the numerous contradictions involved in his deposition, neither is his declaration more so, that, although he went as chief pilot and supercargo of the two brigs, "*Dous Amigos*" and "*Asseiceira*," he gave up those employments after his arrival at Quilimane, and that he returned merely as a passenger, having for that purpose provided himself with a passport, on the 9th of September, 1840, from the Governor of Quilimane, authorizing him to proceed to Rio de Janeiro in any vessel which might suit him, at the same time that we find in this process a receipt given to him on the 29th of October of the same year, by Pedro Jozé de Morães, the individual who was charged with collecting the blacks at Quilimane, for the cost of planks and other articles fit for their reception.

Seeing what has been set forth, the Commissary Judges declare the detention of the Portuguese brig "*Asseiceira*," the property of merchants of this place, to be lawful, and adjudge the same as a good prize to Her Britannic Majesty's brig of war "*Fawn*," John Foote commander (Her Britannic Majesty's brig "*Partridge*" being in sight at the time), and condemn her, with all the cargo on board, in conformity with the Additional Convention of the 28th of July, 1817, with that of the 23rd of November, 1826, and with the Instructions of 1835, excepting the Africans, being this day 323 in number (7 having died and 2 having escaped since the capture), whom they declare to be free and emancipated, to be placed at the disposal of the Government of His Majesty the Emperor, in conformity with the Seventh Article of the Regulation annexed to the said Convention of 1817; and they further declare, in virtue of the aforesaid Convention of 23rd of November, 1826, the under-mentioned individuals to have incurred the penalty of the First Article of the same Convention, that is to say,—

João Baptista Boisson, naturalized Brazilian subject, alias João Baptista Carlos Manoel Deschelette Boisson, as he is styled in the letters of naturalization, which he presented.

Jozé Bernardino de Sá.

Manoel Martins Machado, and

Amancio Nunes, an apprenticed youth in the muster-roll.

(Signed)

GEO. JACKSON.
FRED. GRIGG.

João Pereira de Souza overruled as to the criminality of the individuals.

(A true copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS,

(A true translation.)

Secretary.

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Second Enclosure in No. 225.

Report of the Case of the Portuguese Brig "Asseiceira," taken on the 31st December, 1840, off St. Sebastião, by Her Majesty's Brigantine "Fawn," with 332 slaves on board.

This brig sailed from Rio de Janeiro on the 28th January, 1840, in ballast, for St. Catherine's and Lisbon, with no other ship's papers or passport than one from the Governor of Angola, of July, 1838, *viséd* by the Portuguese Vice-Consul at this port, authorising such a voyage, and making it incumbent upon her to present the old passport at one of the ports of Portugal, with a view to its being cancelled, and the legal documents obtained.

For the clear understanding, however, of this case, it is necessary to notice the proceedings of another vessel, also Portuguese, which sailed from hence on the 3rd November, 1839, called the "*Dous Amigos*," with a full cargo for Gôa and Moçambique, but which, proving to be unseaworthy, put into St. Catherine's.

The supercargo of the "*Dous Amigos*," a Frenchman, of the name of João Baptista Boisson, on the arrival of the "*Asseiceira*" at St. Catherine's presented himself to the Portuguese Consul at that place, and declaring himself to be appointed to the "*Asseiceira*," in the same capacity, and in virtue of full powers which he had from her owners, transhipped everything belonging to the "*Dous Amigos*," cargo and crew, on board the former, obtained a second *visa* from that functionary, authorising a voyage to Gôa and Moçambique instead of to Lisbon (but with the same conditions), and sailed at once for the coast of Africa, where, under pretext of bad weather, &c. he put into Quilimane, discharged and sold his cargo, and took on board off the bar of that port on return upwards of 320 Africans, with the intention of landing them on these coasts; but being met with by Her Majesty's brigantine "*Fawn*," on the 31st December, 1840, off St. Sebastião, she was detained and brought into this port on the 14th January, 1841.

On the 16th, 18th, and 19th January, Lieutenant Foote brought into Court the papers belonging to and found on board the "*Asseiceira*," with his respective declarations, and having ratified the same on oath, and presented Mr. W. C. Marshall (mate of Her Majesty's brig "*Partridge*," and witness to the capture) in charge of the prize, the usual monition was issued, according to the forms of this country, and the examination of the witnesses commenced on the latter day, and terminated on the 6th February, having occupied a longer time than usual, from the number of witnesses to be examined,

and from the interruption of the proceedings by the incident reported in Commissioners' Despatch of the 8th February, 1841.

The first witness, João Antonio da Silva Mellão, swore that he was a subject of Portugal, native of Oporto; that he gains his living by seafaring; and, on being asked what situation he held on board this vessel, answered, that, being ill at Quilimane, and in penury, he asked for a passage from João Baptista Boisson, first pilot and supercargo of this vessel, and that then Boisson told him that he would give him a passage on condition that he would despatch the vessel as master of her, which he, deponent, agreed to, in consequence of his poverty; that he had no previous acquaintance with Boisson, but that on that person's arrival at Quilimane in June last, he went to him and was received at his table, and that as the time of his departure approached his passage was settled on those terms; that, as he learned from the ship's papers at the moment of his capture, the owner of her was João Machado Cardozo, but that he does not know who that individual is; that the Africans on board were shipped at the site of the signal-staff, three or four leagues distant from the town of Quilimane, and that he knew that they were to be shipped the evening before his leaving that port, and that they were destined for the shores of Rio de Janeiro, because he had requested a passage to that place; but that he does not know on whose account the slaves were shipped; that he had been seven months at Quilimane; that he went there from Pernambuco in the bark "*Veriato*," which was not employed in the traffic in slaves, but was taking her owner and his family to Gôa, and was wrecked to the north of the bar of Quilimane; that he came to Brazil for the first time in January, 1830, where he remained two years as a clerk in a house at Bahia; thence he returned to Lisbon and Oporto, in which latter city he stopped nearly a year in the house of his father, who kept a preparatory school; and from that time deponent has continued at sea, learning seamanship, and making different voyages to the ports of Europe and of South America; that he left Quilimane in the month of November, but that he does not know on what day, not having received or signed any papers, João Baptista Boisson having had the management of everything; that on the voyage he did no duty, coming as a passenger; that Boisson, and Venceslão, the second pilot, under his orders, navigated the vessel; and, on being asked whether he had a passport from Quilimane, he replied that on the approach of the capturing boats Boisson delivered to him the papers which he gave up to the (British) officer; and that he did not throw any papers overboard himself, nor see any thrown overboard; that Boisson did not use him very well during the voyage, being constantly finding fault with him, on account of his not keeping watch by reason of his ill health, which Boisson thought was a trick; that there are five passengers on board, three of whom were taken in the brig "*Rapido*" (a vessel said to have sailed with Montevidean colours, but he does not know whence), viz. :—

Jozé da Costa Ferreira Guimaraens;

Manoel Ribeiro de Abreu;

João Jozé Pereira,—all Portuguese subjects.

That besides the "*Bozal*" negroes there were some "*Ladinos*," one a cooper, whose master he does not know, and two as passengers.

Being asked by the captor's proctor whether he, deponent, knew how to work a ship, he replied that he understood it tolerably; that he had sailed as an officer in the brig "*Leão*," from Oporto to Rio de Janeiro; that he kept his watch by himself in that vessel, but that the captain had not much confidence in him; that in the barque "*Veriato*" he served as apprentice and third pilot; that when the brig "*Asseiceira*" struck on the bank on leaving Quilimane he gave no orders whatever, and that none but João Baptista Boisson, the second pilot and the mate, did so.

The second witness, Venceslão Joaquim da Silva, swore that he was a Portuguese subject, native of Lisbon, a seafaring man, and second pilot of the brig "*Asseiceira*;" that João Gomes Machado, a resident in this city, and whom he knows by sight, is the owner of this vessel, and that he made his agreement with him here, and took charge of the vessel at St. Catherine's, whither he proceeded in a smack called "*Maria da Gloria*;" that the voyage from St. Catherine's was to Gôa, touching at Moçambique, and that they put into Quilimane for provisions to continue the voyage, but that the supercargo, meeting with an opportunity of disposing of his goods there, did not proceed further; that he, deponent, did not know that the vessel was to carry Africans till they were shipped off the bar of Quilimane, about four leagues from the city, at nine o'clock in the morning; that they were on account of one Pedro Morães; that after he had set sail, he knew that the vessel was destined for Rio de Janeiro; that he believed that the brig had a passport from Quilimane; that he, deponent, has been in Brazil since 1826, making voyages to different parts of the coast, but that this is the first time that he ever went to any part of the coast of Africa; that he never stopped at Rio de Janeiro longer than to unload and load the vessels in which he served; that sometimes they were consigned to himself, and sometimes that the pilot or master were the owners; and that on one occasion only he had any concern with a commercial house in this city, that of João Soares Gomes; that he, deponent, did not apply to João Gomes Machado to make an agreement, but that Machado came to him; that he does not know where he lives, nor the nature of his business, and that he transacted his business with Machado on the exchange; that his agreement was for one conto two hundred milreis for the voyage out and home to Gôa, touching at Moçambique; that this agreement was in writing, but that he had lost his copy of it, and that he had received no money on account; that it was made in February, 1840; that he had entered in the brig "*Dous Amigos*" in the month of November, with the same destination, to Gôa and Moçambique; that he does not remember who was the owner of the "*Dous Amigos*;" and that his agreement was with the supercargo, João Baptista Boisson, who went with him to St. Catherine's, the terms being the same as those he subsequently engaged for with João Gomes Machado; but that this agreement was not in writing, but verbal; that the master of the "*Dous Amigos*" was Emancio Soares de Noronha, who went as far as Quilimane, where he remained, and where he, deponent, saw him, shortly before his departure, very unwell, his place being supplied by João Antonio da Silva Mellão, in consequence of some disagreement between the former and the supercargo Boisson; that the reason of his, deponent's, leaving the "*Dous Amigos*," and changing into the "*Asseiceira*," was on account of the former having become leaky, when he returned from St. Catherine's to Rio de Janeiro; that he, deponent, had nothing to do with, and knew nothing of, the clearances from Quilimane, which was a business entirely between the master and the supercargo; and that on the voyage it was the supercargo Boisson who navigated the vessel, and that neither Noronha on the outward, nor Mellão on the homeward, voyage, took any part in the navigation; that deponent did not know to whom the outward cargo for Quilimane belonged, and that he had no in-

terest in either the outward or homeward cargoes; nor could he say whether they were insured. Being referred to the decrees of the Queen of Portugal, and to the laws of Brazil, prohibiting the traffic in slaves, he, deponent, replied that he was ignorant of the former, but not of the latter, and that his coming in this brig was because there was no other vessel for this place, although the supercargo, Boisson, told him on the eve of her sailing that she was to bring Africans; and on his remonstrating, replied, that if he did not like it he might remain behind; when no other vessel offering, and being without means, he came in her. That of the passengers on board, one only had sailed in this brig from hence, whose name is Manoel Jozé Martins Machado, but that deponent does not believe this individual to be any relation to João Gomes Machado. The third witness, Manoel Martins Machado, swore that he was a native of Oporto, but a subject of Brazil; that he was a passenger on board of this vessel from Quilimane, where, being a travelling merchant, he arrived from Pernambuco in the barque "*Veriato*," which was lost on a bank before reaching Moçambique, and where he staid a twelvemonth, not finding any vessel leaving that port with a licit cargo; and the Africans on board this vessel, which he heard was the property of some one at Quilimane, but he did not know whom, having been received only at the bar; the latter, he understood, belonged to different persons at Quilimane, he himself having no interest whatever in the same. That he knew the vessel was bound to Rio de Janeiro; that during the voyage Boisson and the second pilot navigated her; that he paid a hundred dollars for his passage to the consignee at Quilimane, but that he took no receipt for the same, the consignee being a resident at that place. That he had formerly a correspondent at Rio de Janeiro, called Manoel Jozé da Rocha, but that this person had since left this city for Oporto. That he was not in the habit of frequenting the coast of Africa, this being the first time, when being on his way to Goa he remained at Quilimane, having been wrecked before reaching Moçambique, and there being no other vessel in which to proceed to his destination; and that he constantly remained there from October, 1838, till the sailing of this brig "*Asseiceira*," on the 3rd or 4th November last. On being asked whether there now existed on board the "*Asseiceira*" any individual who was with him on board the barque "*Veriato*," he replied that he did not know that there was; and being again asked whether he had not seen Mellão, who now figures as captain of the "*Asseiceira*," on board the barque "*Veriato*," he said he did not recollect; and being told that Mellão stated the shipwreck of the "*Veriato*" to have taken place to the north of the bar of Quilimane, and not near Moçambique, as he deposed, replied that he was no seaman, and could not say more than that the wreck took place not far from Quilimane. That when he left that town he took out a passport, which he kept in his trunk, which has been returned to him since anchoring in this harbour broken open and without the passport.

In reply to questions put by the captor's proctor, this deponent declared that he did not know the vessel "*Dous Amigos*;" that he was not at St. Catherine's in the beginning of the year 1840; that he saw the brig "*Asseiceira*" for the first time at Quilimane, and that he does not know which of the passengers now on board of the "*Asseiceira*" went in her hence to the coast of Africa. That they took five and a half dollars from him at the time of capture, three of which they have since returned to him on board of the hulk, admitting that he has no correspondent at Rio de Janeiro, that he is destitute of all means, and that he came hither on account of his health, having no resources at Quilimane; and being asked why, there being a real captain on board, by name Boisson, the vessel carried a fictitious one, he replied that he did not know.

The fourth witness, Jozé Gomes Machado, swore that he was a Portuguese subject, native of Oporto, a sea-faring man, and now boatswain on board of the brig "*Asseiceira*;" that he left this in the brig "*Dous Amigos*," and put into St. Catherine's when he transhipped into this; that her destination was Goa, but that having touched at Quilimane for water, and stopping there nearly five months, the captain sold his goods and remained there. That the name of the captain was Manoel Soares de Noronha, and that having some disagreement with the pilot, he delivered the vessel to the correspondent there, Pedro Jozé de Morães; that he, deponent, made his agreement on board the "*Dous Amigos*" when he sailed hence in that vessel with the captain who remained behind; that he was to receive per month as much as was given by any other vessel having the same destination; that the consignee put in the place of the aforesaid captain João Antonio da Silva Mellão, and that Venceslão navigated the vessel. That he did not know who was her owner, the captain who remained behind figuring as such; that the blacks were put on board by the consignee, Morães, within the port, in front of the governor's house, but that he does not know on whose account, nor does he know that any passenger on board has any interest either in the vessel or in the cargo, and that having no means of conveyance and being ill, he availed himself of this vessel. That the first pilot, João Baptista Boisson, the second pilot, Venceslão, and a part of the crew still on board the "*Asseiceira*," sailed with him in the "*Dous Amigos*," which left Rio de Janeiro with a full cargo, but without any passengers, and that the whole were transhipped on board the brig "*Asseiceira*," in which no boiler or other object indicating employment in the Slave Trade then existed, and that these articles were taken in at Quilimane; that the agreement he made at St. Catherine's was the same he had made originally with Noronha; that the latter remained behind at Quilimane, where he saw him the day before he sailed. That he, deponent, has been in Brazil upwards of 20 years, but that since 1814 he has always led a sea-faring life; that during the time of the trade being licit he made voyages to the coast of Africa, the last time being in 1827; that on the voyage from St. Catherine's to Quilimane Boisson navigated the vessel; that the captain had the management on board, and that on the home voyage she was navigated by the pilot Venceslão, and was under the orders of the captain, Mellão, both of whom gave their orders when the vessel struck on the bank on leaving Quilimane; the deponent persisting in this statement after having been shown the depositions of the last-mentioned witnesses, declaring that Boisson navigated the vessel, and that he did not know Boisson previously to this voyage, though he might have seen him.

Being called upon by the captor's proctor to explain how it happened that Boisson, if he was not the captain, had the papers in his possession which he delivered to Mellão when the captors boarded, he replied, that the latter having no trunk he had given them to Boisson to keep for him, and that he, Mellão, received them from him at the moment of capture; that the orders to unload the vessel were given to him as boatswain by Captain Noronha, who, with Morães, sold the cargo, part of it being in the factory where the officers of the vessel resided, and that the order to receive the Africans was given by Morães, who sent on board the planks and other appurtenances.

The fifth witness, João Pedro, swore that he was a free black, subject of Portugal, and native of

Cape Verds, a sea-faring man, and now a sailor on board the brig "*Asseiceira*." After being examined as to the nature and obligations of an oath, deposed, that five years ago he came first to Bahia from the island of St. Jago, where his relations are living; that he has since made several voyages to different ports of the empire; that he shipped on board this brig at St. Catherine's, having sailed thither hence in the brig *Dous Amigos*; that he made his agreement here for a voyage to Goa with João Baptista Boisson, at 20 milreis a-month, and renewed the same with him at St. Catherine's; that this was his first voyage to the coast of Africa, and that in those before spoken of his wages were from 8 to 12 milreis per month, the latter being the highest wages he had ever before received; that he did not know that this vessel was to bring slaves, her destination being to Goa; that on the sailing of the "*Dous Amigos*" there were on board Noronha, as flag captain; João Baptista Boisson, who commanded as captain; Venceslão, the pilot; and Jozé Gomes Machado, the boatswain, besides the passenger Machado, now a prisoner on board, and who has been before this Commission. That the boilers, &c., were not taken on board at St. Catherine's, but at Quilimane, where Noronha remained, and whom he saw two days before sailing from the latter place. That on the return voyage Mellão kept watch under the orders of Boisson, but never by himself.

To questions put by the captor's proctor, deponent said that the passenger Machado, while on shore, lived with the officers of the vessel, which he knew from having often been at the house where they were residing; that the boatswain took account of the slaves, and that the passenger Machado had nothing to do with them, nor did he know any one on board as being their owner.

The sixth witness, Jozé Joaquim da Silva Lisboa, swore that he was a Brazilian subject, and came, as passenger, on board this vessel from Quilimane, where he has been residing for two years for the purposes of trade, having left Rio de Janeiro in November, 1838; and that, being ill, he took out his passport and embarked in this vessel, which he learned only two or three days previously, from the inhabitants of the place, was to bring Africans; and that he did not know to whom they belonged, nor who was the owner of the vessel, having made application for his passage only to the captain, João Baptista Boisson; that this was the first time he had been to the eastern coast of Africa, but that he had made six or seven voyages to the western coast while the trade was lawful, the last being in 1829; that João Baptista Boisson commanded on board the vessel, and that Mellão only occasionally kept watch under Boisson's inspection.

In reply to the captor's proctor, this deponent said that he did not know what business Boisson was transacting in the factory ashore; that he had sold some of the cargo of the "*Asseiceira*," but that he could not say for certain that the slaves were the product of such sale.

The seventh witness, Pedro, an African—"ladino,"—native of the coast of Mina, slave for the last 14 years of Antonio Alvares Aveiro, residing in the Prainha Street in this city, a cooper, himself working in that trade, declared that he sailed by order of his master in this brig; that her captain was a Frenchman of the name of Boisson; that he did not know when he sailed that it was to bring Africans, and that they were received on board in the port.

The eighth witness, Frederic, a black, native of Quilimane, slave of Pinto Rosa, residing in Alecrist Street in this city, formerly a captain of vessels bound to the coast, declared that he was cook for the after-cabin; that he did not sail from hence in this vessel, but in the brig "*Lealdade*," which was lost in leaving Quilimane six months ago; that the Africans had been on board this vessel some seven days before she left the port (Quilimane); that he had been in the constant habit of going to and from the coast of Africa, sometimes to Quilimane, and sometimes to Angola.

The ninth witness, Amaro, black, native of Angola, slave of Firmo Antonio, residing at Praia Grande, near this city, declared that he was cook on-board this brig, but that he did not sail in her from hence, but in the brig "*Lealdade*," which was lost on leaving Quilimane.

The tenth witness, Jozé da Costa Ferreira Guimarães, swore, that he is a native of Guimarães, a Portuguese subject, and travelling merchant; that he came passenger in this brig, and paid to Boisson 100 dollars for his passage; that his residence was Rio de Janeiro and Monte Video, and arrived in this city in the English packet "*Spider*;" that he cannot remember at what period of the year, but that he remained here till he left in January or February, 1840, for Angra dos Reis and Paranaoia; that he sailed thence for Manilla in the Oriental brig "*Rapido*," and that being overtaken by a storm off the Cape, the brig became leaky and the mainmast was found to be rotten, on which account they bore up for Moçambique, and were then met in that channel by the English brig-of-war "*Curlew*," Commander Rose, who captured them on the 22nd of June last, and meeting with the Portuguese brig-of-war "*Cassador Africano*," put them on board that brig on the 27th of the same month, which landed the deponent at Quilimane, where he remained till the sailing of this vessel on the 4th of November, on which day he knew they were to bring Africans; that he did not know on whose account, but that he heard that it was Boisson who conducted the whole transaction; and that on his (deponent's) arrival he saw only a small remnant of the goods sold by that individual, from whom he himself bought some things for his own use; that the 312 half-doubloons on board in his name belong to him, being the proceeds of some jewels which he saved at the time of capture, not having been so shamefully handled at that time as he was by the Patacho "*Fawn*," having been threatened to be gagged on attempting to cry out, and swords placed at his breast. Being interrogated as to the reason why he had been threatened, as he stated, by the captors, he acknowledged that it was on account of his refusing to deliver up the money he had upon him; and added, that he refused to be searched because Boisson and Mellão had not been searched.

The eleventh witness, Manoel Ribeiro de Abreo, swore, that he was a native and subject of Portugal; that he lived by trade; that he was a passenger on board this brig, and that he had engaged for his passage with João Baptista Boisson for 100 dollars; that he sailed from Paranaoia in the Oriental brig "*Rapido*," destined for Manilla, and, being obliged to bear up for Moçambique, was taken by an English brig-of-war, who put him on board the Portuguese brig-of-war "*Cassador Africano*," which latter left him at Quilimane; that he knew the day before he sailed thence that this brig was to carry Africans, and that they were shipped on the Bar on the 3rd day of November, but that he did not know on whose account; that while on shore the affairs of the vessel were conducted by Boisson; that he, deponent, had been twelve years in Brazil, eight of which he had been shopman in different houses at Rio de Janeiro; that he had made several voyages to different parts of the coast of Brazil, but never elsewhere; and that the half-doubloons and some dollars found in his possession belonged to him.

The twelfth witness, João Jozé Pereira, swore that he was a native of Vianna, and a Portuguese

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subject, living by trade. This witness gave the same account as the preceding of his capture in the "*Rapido*," and of his being left at Quilimane, where a person of the name of Pedro Morães arranged his passage for him on board this vessel for 90 dollars; he further swore that he had been 11 years in Brazil; that he had never made any other voyage; that he was employed in the stowage of cargoes at this port; and that he went of his accord on board the "*Rapido*," destined for Manilla, taking with him eight half-doublons and seven dollars, which he brought back (and which had been taken from him), as well as some maté herb, and different goods.

The thirteenth witness, João Baptista Boisson, swore that he was a native of France, but now a Brazilian subject; that he was an officer in their navy, and now mate of a merchantman; that when he sailed from St. Catherine's, where he shipped on board this brig, for Gôa, he went as first mate, having gone thither hence in the brig "*Dous Amigos*," but that on the return voyage he had no employment, and came in her as passenger, having a passport as such; that the reason of his changing from the "*Dous Amigos*" to the "*Asseiceira*" was the former having become leaky, and that the reason of his putting into Quilimane, instead of Gôa, was to procure water and provisions, having met with north-easterly winds and the current strong to the scuth; that he did not continue the voyage to Gôa in consequence of disobedience of the captain, who would not follow the orders of the owner, João Machado Cardozo, landing there the goods, and determined on sending the vessel back to Rio; that the Africans on board were all on account of persons of Quilimane; that of the goods consigned to him, he had sold a part for the necessary expenses, and that the remainder was left there to be remitted to Gôa; that he did not know what or with whom the present captain made his agreement; that he, himself, had no concern whatever with this brig on her present voyage, and that the depositions of the passengers in this respect were false and malicious; that the adventure from hence was on account of several persons, as appears from the manifest; that the letters, pages 79 and 81, were of João Borges da Silveira, established at St. Catherine's, where he afterwards met him, but who was at Rio de Janeiro when he, deponent, left that city, and that the letter in which mention is made of a passenger who might also like to put some cargo on board in order to divide his shipments, did not refer to the adventure of the "*Asseiceira*," but to a transaction which was offered to him, but which he did not accept, having already undertaken that of the "*Asseiceira*," and that a paper shown to him, pointing out the spot which they were to make on their return to the coast of Brazil, had no reference to that vessel, and meant nothing at all; that he went from hence in the brig "*Dous Amigos*," as mate, to St. Catherine's, and returned no more to Rio de Janeiro, having agreed with the captain, Manço Soares de Noronha, at Rio, but that he does not know whether the aforesaid Cardozo was the owner of her, believing, but not certain, that she belonged to an individual at Lisbon; that this agreement was in writing, to be regulated by the amount of cargo, his pay as first-mate being 800 milreis for the round voyage, having, as yet, received no part thereof. Being asked how the cargo and crew of the "*Dous Amigos*" came to be transhipped to the "*Asseiceira*," if the owners were not the same, he only replied that his orders were to receive them; that, besides the captain, officers, and crew, no one went passenger in her, nor in the brig "*Asseiceira*," and on being shown the *Jornal do Commercio* of the 4th November, in which, in the departure of the brig "*Dous Amigos*," Manoel Jozé Martins Machado, a Portuguese, was reported as passenger—he replied that he had no knowledge of it, unless he were included in the crew; and on its being again objected to him that he, as first-mate, could not be ignorant of the existence on board of a person which was proved not only by the above returns, but by the depositions also of the second mate and of one of the sailors, he replied that he did not know; that with respect to the brig "*Asseiceira*," he had particular instructions touching at Moçambique to proceed with her to Gôa, and there to receive freight, and return with a cargo of hemp or pepper, or any other goods fit for this country; and that, besides these instructions, he had no other subjecting him to the orders of any one but the owner of the vessel; and on a letter being shown to him from his owner, João Machado Cardozo, directing him to follow, in all respects, the orders of Jozé Bernardino de Sá, he replied, that among the papers there existed a letter from Jozé Bernardino de Sá, with orders to follow those of João Machado Cardozo, and that the former was an agent on the part of the shippers of the other brig to procure a vessel to receive her cargo; that he left the "*Asseiceira*" in August or September, an embargo having been laid on her by the Government on suspicion, which was afterwards taken off; that he landed the goods, and sold part of them to meet the vessel's expenses; that with regard to the "*Asseiceira*" having no passport from Quilimane, this was no concern of his, he having been only passenger, his passport as such being among the papers; and, finally, on reading to him the depositions of the preceding witnesses, five of them passengers on board, all unanimously, with the exception of the boatswain, declaring him, Boisson, to have been the real captain of the vessel, and to have had the entire management of the same, he replied that the testimony was false, and that these very passengers were themselves suspected of owning several of the Africans on board.

The third witness, Manoel Martins Machado, being re-examined, and his former deposition being read to him, and the *Jornal do Commercio* of the 3rd November, as well as a bill of lading, page 22, declared that he adhered to his former deposition, confirming all that he there stated, and that the passenger referred to in the *Jornal do Commercio* and the signer of the above bill of lading was another, viz. Manoel Jozé Martins Machado; and with reference to the depositions of the two witnesses, Venceslão Joaquim da Silva, and the free black, João Pedro, he, deponent, declared that they did not speak the truth.

These two witnesses, Venceslão Joaquim da Silva and João Pedro, being confronted with the deponent Machado, contradicted their former statement, Venceslão asserting that he had made a mistake, and that the Machado then present had not sailed in this brig from St. Catherine's; and the other, that the individual who did go as passenger in her remained behind in Quilimane.

On the 6th February, Her Majesty's Commissary Judge declared his mind to be made up on the case; and his Brazilian colleague, requiring further time for consideration, eventually declared on the 9th that he was ready to emancipate the Africans, but that he did not agree in the further view of the case taken by the British Commissary Judge.

The Brazilian Commissioner of Arbitration having in this process been appointed by his Government to act as Commissary Judge during a temporary absence of Senhor João Carneiro de Campos, it became necessary that another Commissioner of Arbitration should be named *ad hoc*, and on the 11th an aviso was presented from the Minister for Foreign Affairs making that appointment: on the following day the two Commissary Judges gave their respective votes—(*vide* enclosed copies in

original, and translation.) Lots were drawn—and the lot fell on Her Majesty's Commissioner of Arbitration, in consequence of whose decision Jozé Bernardino de Sá, a Brazilian citizen, was informed on the 15th of the existence of certain documents among the "autos" which appeared to implicate him in the adventure of the "*Asseiceira*," and inviting him, if he chose to do so, to name a proctor for the purpose of giving such explanations as he might think proper; and on the same day, with a view to the best elucidation of which the case appeared to be susceptible, the Imperial Government was requested to name two notaries public (according to the usual practice of this country), for the purpose of identifying the handwriting in initials of the supposed shipper of the goods which appeared on certain of those documents.

On the 18th the Frenchman above named, supercargo of the "*Asseiceira*," having declared himself to be a naturalized Brazilian citizen, the Municipal Chamber was written to, to know if his name was to be found in the list. No answer was made to this inquiry till the 1st of March, nor did the notaries public appear till the 27th of February.

On the 1st of March Her Majesty's Commissioner of Arbitration presented his vote, of which the enclosed is a copy.

On the 3rd the Portuguese Consul was called upon to declare whether the owners of the "*Asseiceira*" were Portuguese subjects recognized as such by him; and with what papers the brig "*Dous Amigos*" had navigated; and who were her owners. The answer of the Portuguese Consul having been received on the 4th, and no defence having up to that date been offered by Jozé Bernardino de Sá, the Marshal was ordered to intimate to him that on the following day the proceedings would be closed. On this he presented the defence, of which the enclosed is a translated extract—(the remaining part refers to a pretension of the petitioner not admitted by the Court, and has nothing to do with the case itself);—and on the 8th instant, Her Majesty's Commissioner of Arbitration having definitively given his opinion as to the criminality of this individual, the sentence of the Court was immediately signed by the two British Commissioners, condemning the "*Asseiceira*" as good prize to Her Majesty's brigantine-of-war "*Fawn*," emancipating the surviving Africans, and declaring such of the parties as are Brazilian citizens implicated in the adventure to have incurred the penalty of the 1st Article of the Convention of the 23rd of November, 1826. This sentence was signed by the Brazilian Acting Commissary Judge as overruled with regard to the criminality of the individuals. The names of the owners—subjects of Portugal—and of those who appeared to be Portuguese and to be involved in this transaction, have been transmitted by him to his Government.

No claim was attempted to be made for the slaves on board the "*Asseiceira*;" but the owners of the vessel claimed to be exempted from any share of criminality in this adventure, on the grounds stated in the annexed translated petition, and which was rejected on the principle asserted in the sentence of the Court.

The captor's proctor presented on the 26th his argument in support of the capture, of which the subjoined is a translation; but left it entirely to the Court to investigate, and to establish the truth of his conclusions.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

Rio de Janeiro, March 10, 1841.

Third Enclosure in No. 225.

Vote of the Brazilian Judge.

HAVING examined the process and deposition of the brig "*Asseiceira*," I regret not to be of the opinion of my colleague with respect to Jozé Bernardino de Sá being interested in the negotiation: such cannot be asserted, however the letter of orders of Pimenta and Cardozo to João Baptista Boisson may say that he should submit to the said Sá. This declaration is not sufficient to prove that he had a share in this negotiation, and that he knew of the illicit object to which the brig was destined, since in none of the depositions does his name appear, which is not found implicated except in a bill of lading at page 78 made in his name, which cannot be considered as belonging to this vessel or process, because all the cargo which this brig carried appears in the manifest, and in this were only included 17 bills of lading passed in the names of others, it being impossible that the goods spoken of in the bill of lading at page 78, if they had gone in this brig, should have been omitted in the manifest, or in the landing of the same goods; besides which any one can fill up a bill of lading in the name of another, not wishing his own to appear. In order to prove that it was really Jozé Bernardino de Sá it would be necessary that his signature should appear. The letter of orders proves only that Jozé Bernardino de Sá was simply the agent or correspondent (as Boisson in his deposition actually affirms) between the shippers of the brig "*Dous Amigos*" and the owners of the brig "*Asseiceira*," for the latter to go and receive at St. Catherine's the cargo of the former, and proceed on her voyage. With respect to the two letters found directed to Boisson, with the simple signature of J. B. S., such signature cannot be considered valid, since J. B. S. does not prove it to be that of Jozé Bernardino de Sá, since, as he is a merchant, it is not possible that he should sign himself in a manner different from his commercial usage, nor is it possible that such letters can refer to the "*Dous Amigos*" or "*Asseiceira*," because in none of them are such names found, and because they speak so circumstantially of the names of the "*Triunfo*," the "*Carolina*," &c., and do not even, however slightly, mention those of the "*Dous Amigos*" and "*Asseiceira*," which are those of which this process treats; and Boisson declared positively that they were the letters of João Borges da Silveira, engaging him to undertake the negotiation therein spoken of, and which he rejected.

(Signed)

JOAO PEREIRA DE SOUZA.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, February 12, 1841.

Fourth Enclosure in No. 225.

Vote of the British Judge.

THE non-agreement between the Commissary Judges which gives rise to arbitration on this occasion being merely what degree of faith should be given to the letters in these "autos," pages 76, 79, and 81, as well as to the declaration of the witness, João Baptista Boisson, the British Commissary Judge will confine himself, for the present, to declare succinctly the reasons that do not allow him to agree with his worthy colleague in rejecting the particulars revealed in the said letters, only because said Boisson asserted that their contents refer to a certain business which was proposed to him, but which he declined, and which consequently did not take effect.

It seems impossible to the British Commissary Judge, from the date of the said letters, as well as from the minute details into which they enter, to credit for one moment this explanation, which in his opinion is nothing more than a mere evasion; nor the declaration made by Boisson in this respect, whose deposition, considering the contradictions it contains, does not deserve, in the opinion of the British Commissioner, the smallest credit in a transaction where the facts recorded speak more loudly than any subterfuges of the interested parties.

(Signed) GEORGE JACKSON.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

*Rio de Janeiro, February 12, 1841.**Interpreter to the Commission.*

Fifth Enclosure in No. 225.

(Translation.)

*Vote of British Arbitrator.**Rio de Janeiro, March 1, 1841.*

THE grounds of my vote are the following:—

1st. I cannot give the least credit to the assertion of Boisson, that the letters taken on board of the "*Asseiceira*" refer, not to that vessel, but to another adventure which had been proposed to him, but which he had rejected, not having given any particulars as to the time, or place, or the names of the parties who are said to have made such proposals; Boisson himself having had full opportunity of explaining such adventure, if he had thought fit.

2nd. Though I agree in opinion with the Brazilian Acting Commissary Judge that initial letters, by themselves alone, cannot be taken as proof in lawful transactions, yet that such initial letters may be, and frequently are, used in illicit transactions, particularly when relating to the Slave Trade, as in the present instance; and that, if other circumstances, in such transactions, combine with the use of such initial letters, by an individual appearing to be interested in the adventure, which seems to me to be the fact in the present instance, such initial letters then go far to establish the fact and the very transactions which they were intended to cover.

(Signed) FREDERICK GRIGG.

(A true copy.)

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Sixth Enclosure in No. 225.

(Translation.)

M. de Sá's Defence.

To the illustrious Judges of the Mixed Brazilian and English Commission:

THE majority of the Mixed Commission decided that the petitioner should be written to, to name a proctor to examine the documents which appeared to refer to him. What are these documents? How can they compromise or implicate the petitioner? In no way, as he proceeds to prove.

There is a letter from João Machado Cardozo and Co., owners of the brig "*Asseiceira*," in which, giving their orders to the captain or supercargo, they say that he shall follow the orders of Jozé Bernardino de Sá. It is here right to explain how the name of the petitioner appears: he was nothing more than the intermediary between the owners of the vessel and her shippers for the purpose of arranging the sailing of the "*Asseiceira*" for St. Catherine's, to take the cargo of the "*Dous Amigos*," for which object full powers had been given to him by a friend of his at St. Catherine's, in consequence of the "*Dous Amigos*" having been there condemned as unseaworthy; and the cargo being on shore without finding a vessel, the petitioner not concerning himself with anything further regarding this vessel, nor with her voyage, licit or illicit.

The subjoined declaration of the owners sufficiently proves this point, as also the copy of a letter annexed. How then can this simple letter, thus explained, implicate the petitioner? And what other document is there which speaks of his name? Is it the bill of lading?

In the first place this proves nothing, because a bill of lading may be passed in the name of any individual, without such individual having any knowledge of, or part in it, and this is the case of the petitioner.

In the second place it is to be observed that this bill of lading, although it speaks of the "*Dous Amigos*," says nothing of the "*Asseiceira*," since all the cargo which this brig carried, and which she landed at Quilimane, as is seen by her papers, is included in the manifest, legally certified, and this manifest agrees perfectly with the 13 bills of lading; the fact being that the same goods mentioned in this detached bill of lading were not found or shipped on board the "*Asseiceira*;" and if they had, they would have been declared in the manifest, as those of the other bills of lading found on board, and this bill of lading would not have remained detached, but with the others annexed to the

same manifest. We may observe that so true is this, that the depositions of the witnesses make no mention whatever of the name of the petitioner; and Boisson, who is the only one who speaks of him, and who, on account of having received that letter of orders from the owners, should be cognizant of the business, asserts the same which the petitioner has just alleged, viz., that he only acted in the name of his friend at St. Catherine's, being particularly requested to speak to, and arrange with, Cardozo and Company the departure thither of the "*Asseiceira*" to take the goods of the "*Dous Amigos*," which was in fact done, he being an entire stranger to all the rest of the business.

Besides, then, this letter of orders, and this detached bill of lading, which can in no way implicate the petitioner, there is nothing else which appears to refer to him; nor can the two letters, signed J. B. S., which the petitioner declares not to be signed by him, nor even to be known to him; and, in this respect, it is right to attend to what Boisson says in his deposition, that they were those of one João Borges da Silveira, and respected another transaction which this individual proposed to him, and which he did not like to accept—an allegation which appears to be true, sincere, and proved by the perusal of the same letters, which, speaking of considerable speculations, past, present, and future, of different vessels, do not mention the "*Asseiceira*" and the "*Dous Amigos*," which are the only two vessels in question; and it would be incredible that, if they did refer to either of these two vessels, since they enter into so many minutiae of different ships, they should not so much as speak of these.

These declarations, which the petitioner makes in all good faith to this Court, must qualify it for the perfect knowledge of this affair, and must destroy any suspicion whatever which may possibly have entered the minds of the Court respecting the petitioner, who is a merchant too well known in this city to sign his name in a manner different from his commercial signature; and in this respect, fortunately for the petitioner, comes the declaration of the notaries public applied for by you, Gentlemen, from the Imperial Government, who, by their affirmation on oath that the letters of these signatures, J. B. S., are not at all like the signature of the petitioner, nor the hand-writing of the letters with that of his book-keeper, constitute full and perfect proof, inasmuch as all faith and credit are given in courts of law to the declarations and examinations of sworn notaries public. With this the petitioner concludes, requiring finally that you, Gentlemen, order these allegations to be filed in the proceedings.

(Signed) JOZE BERNARDINO DE SA'.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, March 4, 1841.

Seventh Enclosure in No. 225.

(Translation.)

Declaration of the Owners.

WE, the undersigned, attest, and if necessary swear, that Sen. José Bernardino de Sá neither had nor has any concern in the voyage which the brig "*Asseiceira*" proceeded upon, whether in the brig or in the speculation of the same, since he only acted as an intermediary for us to order the said brig to Saint Catherine's, there to receive the cargo of the brig "*Dous Amigos*," which put back to that port leaky, and was adjudged incapable of proceeding on her voyage, he having had no other concern with us, nor we engaging ourselves to him to anything further; since our engagement was to order the vessel to receive that cargo, reserving to ourselves a claim to the freights which the shippers were bound to pay to the brig "*Dous Amigos*," intending to load the brig in Goa on our own account with Cairo rope and pepper, with the product of the said freights, as appears by our letter of orders of the 27th of January, 1840. If anything else took place beyond such our orders, it was disobedience of the captain, whom we have made responsible for all the losses which he has caused us.

(Signed)

JOZE VIEIRA PIMENTA, Junior.
JOAO MACHADO CARDOZO & CO.

(A true translation.)

JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Rio de Janeiro, 3d March, 1841.

Eighth Enclosure in No. 225.

(Translation.)

Claimant's Petition.

To the Judges of the Mixed Brazilian and British Commission:

It becomes my duty on the part of the Portuguese merchants, João Machado Cardozo and Company, to maintain their rights in the process instituted against the brig "*Asseiceira*," of which they are the owners.

By the letter of orders signed by them, and addressed to the supercargo Boisson, which exists among the papers found on board the brigantine, it is seen that the owners of the same ordered him to go to St. Catherine's to take the cargo of the brig "*Dous Amigos*," and to proceed to Goa, for which place she was freighted; prohibiting him, however, most expressly to ship any contraband, or any illicit and prohibited goods.

From the papers which appear in the process it is seen that the brig proceeded from Santa Catharina for Goa, taking the cargo of the "*Dous Amigos*," and that she unloaded the same at Quilimane, where she arrived.

It is seen, however, by the fact of the brigantine having been met with and captured by the English brig of war "*Partridge*," and another, that Bozal negroes were found on board; and without entering into the question of licit or illicit cargo, it is for us in the meantime to declare that the owner's orders were not attended to, since by the content of a letter of orders to the supercargo, and of the most

positive instructions to the captain, it is seen that it was broadly and expressly prohibited to ship any kind of illicit or contraband goods; and the Bozal negroes were comprehended in this prohibition, constituting as they do goods prohibited by the Brazilian laws.

And whatever may be the judgment of this commission respecting these Africans, it is evident that the owners are not responsible for an act which they not only had not permitted to be practised, but had even expressly forbidden, it becoming thus necessary, in strictness and in justice, to discriminate between the question of the criminality of the vessel and that of the cargo.

How is it to be supposed that the responsibility of an act practised by another should fall on a third party? How is it that Peter should pay for the deed committed by Paul? when, moreover, for the honour of Peter, he had expressly forbidden it.

The brigantine, then, being the property of our clients, and it not being possible to impute to them the crime of having shipped Bozal Africans, for they had expressly prohibited it, it is clear and evident that the brigantine ought not to share the same fate—ought not to be subjected to the same destiny as her cargo; on the contrary, the brigantine ought to be delivered to her owners, even though it should be thought right to condemn the cargo. Nor is this controverted because some persons may consider that the vessel ought to be responsible for the contraband; this would be unjust and barbarous: neither is it controverted because the Treaty, *in its letter*, may appear to adopt this idea, which is, moreover, very pernicious and even immoral, because it would amount to nothing less than upholding the cruel maxim that the innocent should suffer for the guilty.

And it is a received and obvious principle of jurisprudence, that a law ought to be understood by its spirit and letter, reconciling the idea of the legislature with the “expression” of the term used. And when the Treaties subsisting between Brazil and Great Britain render the vessel responsible for the contraband, it is evident that it is in the case in which it may be proved that the owner of the vessel had a share and intention in, and consented to, the contraband; thus reconciling the spirit with the letter of the law.

Now, in the present instance, what is proved is, that the owners, besides having no share in, knowledge, or intention as to the illicit act, actually prohibited it; that it was practised against their express orders, by disobedience of the captain or of whoever may be found to be the guilty person, from whom the owners pledged themselves by this to demand and to have of them the necessary indemnification for a disobedience—the more criminal, inasmuch as they wound the credit of merchants mindful of the law, as these have always hitherto been, protesting at once, as it is their duty, to secure their right.

Moreover, the owners, being Portuguese merchants and subjects, and consequently navigating the brigantine, their property, under the flag of Her Most Faithful Majesty, this circumstance strengthens the right which they have to require the delivery of their vessel, independently of the legality or illegality of the cargo which was found on board her, because this tribunal representing solely the two nations, Brazilian and English, it does not appear right that it should intervene in the matter of a Portuguese, except in such respect as may be favourable to him, seeing that all the world have a right to do a good action, and none to do wrong.

In view, then, of such solid arguments the owners appear before you, Gentlemen, to beg that you will be pleased, first, to separate the judgment of the hull of the brigantine from the cargo of Africans, as no one can be made responsible for another's fault. Second, to attend to the express orders which they gave not to ship contraband goods, and consequently to deliver to them the brigantine, even though you should condemn the cargo, since they (the owners) had no share in, or knowledge of, the illicit shipment.

We protest, as of right, against whomever we think we ought so to do for the disobedience of the captain, who infringed the orders of the owners of the brigantine, for the act of her capture, seeing that she was navigating under Portuguese colours; and, finally, against whatever decision this tribunal may come to as to the vessel which shall not be to order her restitution to the owners, as ought to be done.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

Rio de Janeiro, January 29, 1841.

Ninth Enclosure in No. 225.

Argument for the Captor.

Most Illustrious Commissary Judges of the Mixed British and Brazilian Commission:

In the process of the capture of the brig “*Asseiceira*,” by Her Britannic Majesty's brigantine “*Fawn*,” Lieutenant Foote, commander, nothing is requisite, besides the documents presented by the captor, to prove the want of legality in the mode in which that vessel was navigating, under the Portuguese flag, for the purpose of bringing from Quilimane to the coast of Brazil the cargo of Africans with which she was captured.

However, before enumerating the documents proving these crimes, the case merits the remark that, among the witnesses who have already made their depositions, those who did not corroborate the documents have, at least, forfeited all credibility.

From the passport of the brig “*Asseiceira*” it is evident that, in January, 1840, the Portuguese consulate in this city deemed the irregularity of the ship's papers to be such that it only granted a clearance to this vessel for Portugal, in order that she might there provide herself with legal documents, but with permission to touch at Santa Catherina on that voyage.

With that passport the “*Asseiceira*” sailed, in ballast, for Santa Catherina on the 28th of January, 1840, her captain being Jozé Coelho.

But the owners of the “*Asseiceira*,” Jozé Vieira Pimente, jun., and João Machado Cardozo, both residing at Rio de Janeiro, knowing the difficulty of despatching their vessel at the Portuguese consulate, with a cargo for Goa, touching at Moçambique, had already taken the necessary measures

beforehand, in concert with Jozé Bernardino de Sá, a merchant in this place, in order to obviate the obstacles opposing the projected voyage of the brig "*Asseiceira*."

In the official register which is published of the sailings from this port, it is found that, on the 3rd of November, 1839, the Portuguese brig "*Dous Amigos*" sailed for Goa and Moçambique, her master being Mango Soares Noronha, crew 20, cargo sundry goods, passenger Manuel Jozé Martins Machado, a Portuguese.

In that vessel proceeded João Baptista Boisson and Wenceslão Joaquim da Silva as pilots, and Jozé Gomes Machado as boatswain.

The brig "*Dous Amigos*" went direct from Rio de Janeiro to Santa Catherina, with orders to trans-ship the cargo on board of the "*Asseiceira*," and also to exchange the officers and the crew of the two vessels, João Baptista Boisson being charged with the execution of these orders, and being successively the real captain and supercargo as well of the brig "*Dous Amigos*" as of the "*Asseiceira*."

In proof of this, there is annexed to the process the following fictitious minute of putting into Santa Catherina :—

The letter addressed to *J. B. B.*, dated Rio de Janeiro, November 2, 1839, signed *J. B. S.*, with the bill of lading of the cargo on board of the "*Dous Amigos*," signed by João Baptista Boisson.

The letter addressed to João Baptista Boisson, signed by Jozé Vieira Pimenta, Jun., and João Machado Cardozo (owners of the "*Asseiceira*"), authorising the said Boisson to take command of that vessel, and to follow in all respects the orders of Jozé Bernardino de Sá, whom the bill of lading proves to be the owner of the cargo.

The letter signed *J. B. S.*, addressed to *J. B. Boisson*, with orders to trans-ship the cargo and the crew of the "*Dous Amigos*" on board of the "*Asseiceira*," at Santa Catherina, and afterwards to proceed on the voyage in the "*Asseiceira*," giving, at the same time, very circumstantial orders in regard to the sale of the merchandise by the "*Asseiceira*," the employment of funds, the description of the cargo with which the vessel was to return, as also in regard to the cargoes of other vessels.

The plan and the object of the voyage being thus proved, it solely remains to be shown that the only object was to bring Africans from Quilimane in the "*Asseiceira*."

The persons interested in this criminal transaction were obliged to have recourse to the protection of the Portuguese consul at St. Catherine's, Sor. Jozé Goncalves dos Santos Silva, who gave permission to the brig "*Asseiceira*" to proceed on a voyage to the eastern seas of Africa, in direct opposition to the clearance which was given to that vessel by the Consulate-General of Portugal in this city.

The "*Asseiceira*" went from St. Catherine's direct to Quilimane, with the cargo and the crew of the "*Dous Amigos*," under the command and the direction of João Baptista Boisson, who there discharged the flag-captain, Noronha, and having sold the cargo which she took in at Santa Catherina, took on board a cargo of Africans, with whom the said ship was captured.

The proofs of what was done after sailing from Santa Catherina consist of the following documents annexed to the proceedings :—

The log-book of the brig "*Asseiceira*."

The muster-roll.

The manifest of the cargo with which she arrived at Quilimane.

The documents showing the mode in which the discharge was effected at Quilimane.

And further,—the want of a clearance on leaving Quilimane.

A letter without signature, and without date (but in the same hand-writing as the other letter), above mentioned, dated Rio de Janeiro 26th January, 1840.)

This letter (or, properly, instruction) having been found in the act of the capture of the "*Asseiceira*," in the pocket-book of João Baptista Boisson, shows that the cargo which the "*Asseiceira*" was to bring could be only Africans, who were to be disembarked with all caution in regard to cruizers, either to the south or to the north of this port.

In the letter annexed to the process, addressed to João Baptista Boisson, dated Rio de Janeiro, 26th January, 1840, signed with the initials *J. B. S.* (being part of the contents of the orders of Jozé Bernardino de Sá, which were executed by João Baptista Boisson), it is seen that there are others interested in this criminal transaction, but their names are not declared; and it may also be inferred from the same letter that some of the passengers on board of the "*Asseiceira*" may be interested in the Africans on board. But as, up to this time, the proceedings throw no light on these two objects. I lay before you, gentlemen, the following deduction from the proofs now before the Mixed Commission, viz. :—

That all the persons who sailed from Rio de Janeiro on board of the brig "*Dous Amigos*," in November, 1839, and who were captured on board of the brig "*Asseiceira*," as well as the shipper of the "*Dous Amigos*" on that voyage, and the owners of the "*Asseiceira*," are all guilty, being engaged in the illicit traffic in Africans. And I thus require of you, Gentlemen, on behalf of the captor, to avoid expense, which increases by delay, and to declare by your sentence the brig "*Asseiceira*," captured with Africans on board, to be a good prize.

(Signed)

ROBERT HESKETH.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

Rio de Janeiro, January 25, 1841.

Tenth Enclosure in No. 225.

(Translation.)

The Portuguese Consul to the Registrar.

Consulate-General of Portugal, Rio de Janeiro, March 6, 1841.

MOST ILLUSTRIOUS SIR,

To satisfy the inquiry contained in your Despatch of the 4th instant, respecting the passport with which the Portuguese brig "*Dous Amigos*," of which Vicente Julio Botelha d'Azevedo is owner,

sailed from this port for Goa, I reply that the aforesaid brig was despatched in this Consulate-General for Goa, by way of Moçambique, on the 2nd of November, 1839, carrying the passport with which, she entered this port, which was given in Quillimane by the governor of that province on the 14th of October, 1837, and on the back of which was affixed a visa, declaring that it should be valid only to the first port, where the same passport should be cancelled, and the proper and legal ship's documents be provided. Such is the information I have to give you in this matter.

God preserve, &c.

(Signed) FRANCISCO JOAO MONIZ, *Vice-Consul.*

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

The Illustrious Senhor Braz Martins da Costa Passos,
&c. &c. &c.

No. 226.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, March 12, 1841.

(Received May 7.)

MY LORD,

THE prisoner Boisson, in his deposition, declared himself to be a naturalized Brazilian subject; but having reason to doubt the fact, we addressed a letter to Her Majesty's Chargé d'Affaires, of which we have the honour to send the enclosed copy for your Lordship's information, as also of the answer we received from Mr. Ouseley, and of our reply in acknowledgment thereof.

Boisson having subsequently presented to this Court a letter of naturalization granted to him in the year 1833, by the then Regency, we lost no time in informing Mr. Ouseley of that fact; the more so as we understood that without waiting for the sentence of the Court he had been removed from Her Majesty's receiving-ship on board a French man-of-war.

We have, &c.,

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

First Enclosure in No. 226.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, February 20, 1841.

WE at first intended to make the contents of our present Despatch a part of our immediate answer to your letter of yesterday's date; but, on reflection, we think it best, in a separate and confidential letter, to take the opportunity of mentioning to you that, having reasons to doubt the truth of the prisoner Boisson's deposition before the Court, that though a Frenchman by birth he is now a Brazilian citizen, we have taken steps to ascertain this point officially; and that in the event of Her Majesty's Commissioners of Arbitration concurring with Her Majesty's Commissary Judge, we purpose, supposing our doubt on this head to be confirmed, instead of declaring Boisson guilty of an infraction of the Convention between Great Britain and Brazil, to suggest to you the propriety of an application being made to the French Minister at this Court to send him for trial before some French tribunal.

It is true the Conventions of 1832 and 1833, between the British and French Crowns, do not contemplate such a precise case, but it appears to us that the proceeding we suggest is sufficiently within the spirit of those Conventions to justify at least the proposal to the French authorities; and sure we are, that to deal thus with Boisson (who, during his examination, more than once, with an air of triumph and security, expressed himself indifferent to the judgment of the Court, appealing, by anticipation, from its sentence to that of the jury) would do more to check the daring effrontery with which foreigners have engaged in this traffic than even a sentence of condemnation by a jury of this country, with its different appeals and facilities for eventual impunity, would do, even could such be obtained.

On this point we cannot here refrain from reminding you, Sir, of the violation of our Convention of the 23d of November, 1826, by the decision of the Brazilian authorities respecting admitting persons to bail under sentence of this Court, and which has rendered its first Article so complete a nullity that, on a recent occasion, the sum required as bail for the appearance of an individual so sentenced, to take his trial before the jury, was fixed at from Rs. 500,000 to Rs. 600,000.

Second Enclosure in No. 226.

(Confidential.)

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

British Legation, Rio de Janeiro, February 23, 1841.

WITH reference to your confidential letter of the 20th instant, I have to inform you that on the 19th I applied privately to Baron Rouen, the French Minister, respecting the prisoner Boisson, explaining that I had ascertained through the Foreign Department (as I had previously personally communicated to Mr. Grigg) that Boisson, of whose participation in Slave Trade no doubt exists, was a Frenchman, not naturalized as a Brazilian, and consequently that I thought it advisable, as a matter of national courtesy as well as on other accounts, to place him at the disposal of the authorities of his own country; and further stated that the moment the sentence was pronounced upon the case in which he is involved, Boisson would be placed on board one of the French men-of-war at Baron Rouen's disposal.

The French Minister expressed, in general terms, his readiness to take charge of Boisson, and thanked me for the proposal, adding, however, that it would be necessary for him to consult the Instructions or documents relative to this subject that might exist in the Chancellerie of his Legation, but that he could not foresee any possible objection to the proposed plan.

The transfer, therefore, of Boisson to the French authorities only awaits, apparently, the decision of the Mixed Court on the case now before it.

I have not lost sight of the important subject to which the latter part of your letter refers. The present proceedings in the case of the "*Asseiceira*" will afford a fresh opportunity, which I shall not neglect, of bringing it strongly before the Brazilian Government.

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

I have, &c.,
(Signed) W. G. OUSELEY.

Third Enclosure in No. 226.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, February 24, 1841.

WE beg to offer you our best thanks for your confidential letter of yesterday's date, in consequence of which, if we hear nothing from you in the interim to induce a different line of conduct, we shall address to you an official representation on the subject of Boisson so soon as sentence shall be passed on the "*Asseiceira*," to which we shall also endeavour to obtain the signature of our Brazilian colleague.

In our letter of the 20th we looked, as we were bound, only to the Treaty engagements between Great Britain and France; but nothing, it appears to us, could be more judicious on your part than to ground the step in contemplation on motives of national courtesy, and we sincerely hope that Baron Rouen may not meet with anything to render him ultimately less favourable to the proposal; but we must be prepared for the exertion of every possible influence to defeat our object.

Of the falsehood of Boisson's deposition, that he was a Brazilian citizen, we had little doubt from the first; but it was important to establish the fact officially, especially after the official intervention of the Brazilian Minister for Foreign Affairs in his behalf, which seemed to give a colour to the alleged naturalization.

We rejoice, Sir, in your declared intention of bringing the piracy question strongly before the Imperial Government, and you may rely on the immediate communication of any circumstance which may come to our knowledge, officially or otherwise, which may appear likely to give further strength to your representations.

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

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

(Extract.)

No. 227.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, March 13, 1841.**(Received May 7.)*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th of December, 1840.

That part of it which relates to the holidays observed by the Brazilian Courts we immediately communicated to Her Majesty's Chargé d'Affaires in a letter, in which we expressed our sincere hope that he would be able either to accomplish the desired object himself, or to point out in what way we may ourselves most effectually afford co-operation and assistance.

To this we are with regret compelled to add, that our best endeavours, renewed only a few days ago, to persuade our Brazilian colleagues to put an end to the practice complained of have uniformly proved ineffectual, and have been constantly met by the declaration that, even if they were to agree to our proposal, no act done on a holiday would be legal or valid.

CLASS A.

With regard, my Lord, to the commencement of your Despatch, in which your Lordship declares that many more days than can have been necessary were employed in the adjudication of the slave vessel "*Dom Joao de Castro*," having already laid before your Lordship a statement, day by day, of the proceedings of the Court in that case, we can add little more than our regret at finding that our explanation is still deemed by your Lordship to be unsatisfactory.

We venture, however, yet to hope that, on a closer inspection of that statement, your Lordship will be of opinion, that the delays complained of in the practice of this Court are solely to be ascribed to the imperfect nature of its machinery, and to the impediments which beset every step which it may be desirous of taking. For instance, its inability to enforce the attendance of the watch-maker, Norris, alone retarded its proceedings ten days; and again, the time taken up in effecting the survey and counter-survey prayed respectively by the claimant and captor, the former of which could only be effected through the tardy, intermediate agency of different Brazilian authorities.

There are also other considerations which necessarily and materially tend to protract the trial of every slave vessel before this Court, such as the duty, which we have all along considered imperative upon us, and more than ever since your Lordship's observations on the very case in question, of endeavouring to secure the conviction of the individuals concerned in the guilty adventure, and the circumstance that all its proceedings are necessarily in Portuguese.

Having received a very strong letter from Her Majesty's Chargé d'Affaires, on the time which the adjudication of the "*Asseiceira*" has occupied, we have the honour to enclose herewith a copy of the same, as also of the answer which we have returned to it.

For the better understanding of Mr. Ouseley's letter of the 6th, we also transmit copies of the one to which it refers, as written from on board the "*Curaçoa*," and of the immediate answer it received.

We presume, from what we read in the Parliamentary papers, that some change is in contemplation with reference to this Commission; and whatever may be the nature of any fresh stipulations between the two Governments respecting the Slave Trade, and whoever may be the individuals to whom their execution may be confided, we would respectfully submit to your Lordship's consideration, supposing this Commission to continue to exist, the idea which we have suggested, of power being given to it, which we do not conceive that it at present possesses, to pass a primary sentence of emancipation on the slaves, which, under existing circumstances, could hardly ever require more than a few days.

First Enclosure in No. 227.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

On board H. M. S. "Curaçoa," 22nd February, 1841.

ON coming on board I this moment learn that the "*Fawn*" has brought in a prize, containing 380 (or thereabout) Africans. It is highly expedient, from the bad state of health, extreme emaciation, and distress of these unfortunate persons, that they should be removed from the slave-vessel without delay; on the other hand the "*Crescent*" is already very much encumbered, not so much on account of the Africans of the "*Asseiceira*," but from the number of prisoners whose safe custody requires much care, and the small force at the disposal of the commander of that ship, it is highly desirable that the Africans now on board be removed as soon as possible. Not only is room required on board the "*Crescent*," but the danger of infection from the recently captured Africans is very great, and can with difficulty be prevented.

Under these circumstances I need not point out the expediency of hastening, as much as possible, the proceedings respecting the "*Asseiceira*," so as to make over the Africans to the Brazilian government with as little delay as possible. You would oblige me by informing me whether the ultimate disposal of those Africans is likely to be much longer delayed with a view to the possible necessity of providing means for placing the recent capture of the "*Fawn*" in safety.

Her Majesty's Commissioners.

I have, &c.
(Signed) W. G. OUSELEY.

Second Enclosure in No. 227.

(Extract.)

Her Majesty's Commissioners to Mr. Ouseley.

Rio de Janeiro, February 24, 1841.

Your letter, dated the 22nd instant, from on board Her Majesty's ship "*Curaçoa*," has been received; and we lose no time in replying to it.

We can assure you, Sir, with perfect truth, that the proceedings in the case of the "*Asseiceira*" have not been protracted one moment by us; and that the delays which have occurred are attributable entirely to the dilatory mode of doing business in this country, and to the duty which Her Majesty's Commissary Judge felt to press peculiarly upon him—to secure the conviction of all parties really guilty in that adventure, particularly after having been subject to censures in the case of the "*Dom João de Castro*" upon this very point, which he trusts Viscount Palmerston will, on being better informed, feel that he little deserved.

As you will have felt, Sir, no great difficulty could have been experienced by us in obtaining the assent of our Brazilian colleague to a sentence of emancipation of the Africans on board the "*Asseiceira*," and possibly, though we by no means feel sure on that head, to the condemnation of the vessel. The first of these points required but a very few days, and had it been proper to stop there, the Africans might, ere this, have been made over to the Brazilian authorities. As it is, the Court are now waiting to establish the proof against the individual whose name we need not here mention. The two votes, of which we herewith enclose copies, will show you both the date and the grounds of the difference of opinion between the Commissary Judges. The question of the nationality of Boisson we consider as settled by the statement in your letter of yesterday; so that, were it allowable to close the proceedings without reference to the other parties implicated, the sentence might very soon pass; but even then the intermediate steps between passing sentence, and the Brazilian authorities taking charge of the prize, are too many and too tardy to admit the expectation of the "*Crescent*" being relieved of the Africans belonging to the "*Asseiceira*" for the next 10 days or more. These obstacles are too well known to you, Sir, to require their enumeration; but we think it right to be thus explicit and immediate in answer to your letter, with a view to the motive of your inquiry—the means of providing for the safety of the recent capture of the "*Fawn*."

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

Third Enclosure in No. 227.

(Extract.)

Mr. Ouseley to Her Majesty's Commissioners.

British Legation, Rio de Janeiro, March 6, 1841.

I HAVE to apologize for not having sooner replied to your official communication of the 24th ultimo. The urgent and only object of my letter from on board the "*Curacao*," and my verbal communication through Mr. Grigg, which you say was duly delivered, was to inform you without an instant's avoidable delay of the extreme advantage, I may almost say necessity, to Her Majesty's service of passing immediate sentence on the negroes of the "*Asseiceira*," so that they might have been made over to the Brazilian authorities as soon as possible.

The instant that your reply was received I perceived the hopelessness of expecting any such speedy action respecting the Africans of the "*Asseiceira*," as the case, in my opinion, required, as I had informed you. Measures were adopted in consequence for the immediate disposal of these newly-arrived unfortunate beings, according to the means at the disposal of Her Majesty's officers, with the least possible risk to others.

Without the slightest wish to cast any imputation, or give an opinion in a matter beyond my competence, yet, as you mention some points of the case of the "*Asseiceira*," I may be permitted to observe, that it appears to me quite inexplicable why sentence on that vessel and the Africans was not passed weeks ago.

No admissible shadow of defence could be made in this case for the vessel, &c.

In a word, as you have mentioned this subject, and without implying any censure that I am not officially entitled to pronounce, I cannot see why more than 24 hours need have been suffered to elapse after the case of the "*Asseiceira*" was before the Court without sentence being passed. If any delicacy regarding the summary condemnation of the notorious Bernardino de Sá, or others, was an obstacle to the sentence, the relative importance of the delay on this account was, it seems to me, quite trivial when placed in juxtaposition with the expediency of instant disposal of the Africans. The points affecting the proprietors and prisoners might have been reserved; and I think that I should have, without difficulty, induced the Brazilian Government to take immediate charge of the Africans.

But so far from any advantage being gained by the dilatory mode of passing judgment on the notorious principal and accomplices in this case, I am convinced that were it feasible in the same 24 hours to cause sentence and execution to be enforced on the guilty parties, it would have the best moral and physical effect in this capital and country, and infinitely more conduce to the general feeling of respect for the Court and the real dignity of its proceedings than the present practice of that tribunal.

Finally, the cost of the keep of the Africans, &c., for one day, is, it appears to me, of more importance than listening to the absurdities invented to defend criminals whose conviction, if as clear as the sun at noonday, would be just as liable to fictitious objections and the opposition of their determined supporters, as it is under all the cautious and lengthened observances admitted, it appears to me unnecessarily, at present. But when the extreme risk from infectious disorders, the crowding, discomfort, real danger, and unnecessarily arduous duties to which the officers and company of H.M.R.S. and the squadron are exposed, are taken into consideration, together with the consequent detriment to the service and possible loss of life, an extremely grave responsibility, it appears to me, rests on those who cause the detention of the Africans from on board the slave-vessels one hour that is by any means avoidable, whether from an inclination to hold to usual forms, or a sufferance of the "*empenhos*," or connivance of Brazilian officers.

Fourth Enclosure in No. 227.

(Extract.)

*Her Majesty's Commissioners to Mr. Ouseley.**Rio de Janeiro, March 10th, 1841.*

Your letter, dated the 6th instant, was received yesterday afternoon.

However desirable it would undoubtedly be that a preliminary sentence should be given, in all cases where a slave-vessel is taken with Africans on board, reserving the question of the guilt of the parties implicated for after consideration, we doubt very much, in a legal point of view, whether such a course would be practicable under the present powers of the Court. We at once acknowledge the justness of your observations respecting the dilatory mode of procedure of this Mixed Commission, and of the importance, with a view alike to humanity and economy, of avoiding every possible delay; but the fault, as we have repeatedly explained, does not rest with us, and is attributable solely to the peculiar circumstances in which this Court is placed.

On the obstacles to that summary mode of proceeding, which there can be no doubt "would have the best moral and physical effect," were it only feasible, you are too well acquainted with this country to make it necessary for us to enlarge; but it must be borne in mind that the delays which arise, under the present organization of the Court, are the necessary result of that organization, and of the duty imperative upon the British members of the Commission to leave no means untried to secure the conviction of the guilty parties, which cannot be done, *de salto*, or without allowing them those means of defence which, however futile the judges may feel convinced they will ultimately prove, cannot be denied, with any show of justice, to the most notorious, or even to a previously convicted criminal.

Supposing the instruments under which this Commission is acting to have been originally well appropriated to the state of things for which they were intended, it is obvious that they have become wholly inadequate to the very altered state of circumstances at present existing; and while Her Majesty's Commissioners spare no pains or labour to fulfil to their utmost the object of Her Majesty's Government, they can have but little hope of succeeding, so long as the present imperfect system shall be allowed to continue.

No. 228.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 24, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of a letter which by my directions has been addressed to the Secretary to the Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade.

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

I am, &c.,
 (Signed) PALMERSTON.

Enclosure in No. 228.

Lord Leveson to Sir John Barrow, May 18, 1841.

(See Enclosure in No. 25.)

No. 229.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 8, 1841.

I HAVE received your Despatch of the 12th of March, 1841, enclosing copies of correspondence with Her Majesty's Chargé d'Affaires at Rio de Janeiro respecting Boisson, the master of the slave-vessel the "*Asseicira*."

I have to state to you in reply, that, as it does not appear from this correspondence that you proposed sending to France any witnesses or evidence necessary for his conviction upon trial before a French Tribunal, to have sent him to France in that manner would only have been to screen him from punishment.

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

I am, &c.
 (Signed) PALMERSTON.

No. 230.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, April 17, 1841.

(Received June 14.)

MY LORD,

WE take the earliest opportunity of informing your Lordship that Mr. Edward Edwin Morgan, mate of Her Majesty's sloop "Rose," P. Christie, commander, arrived in this port on the 16th ultimo in charge of a Brazilian brig called "*Nova Aurora*," which that officer detained on the 26th of February last in latitude 13° 7' 57" south, and longitude 37° 50' west, on suspicion of her being engaged in the traffic in slaves, she being bound to the west coast of Africa, and affording other grounds of suspicion to the mind of Commander Christie to warrant her detention.

The trial of this case commenced on the 22nd ultimo, and terminated two days ago (the Easter holidays having intervened) with the restitution of the "*Nova Aurora*" to her owners, residents of Bahia. And we have now the honour to forward to your Lordship herewith the declarations of Commander Christie, the affidavit made by the prize-master, the sentence of the Court, and our report of the case.

Your Lordship will doubtless have learnt from Her Majesty's Consul at Bahia, that the "*Nova Aurora*" was carried in the first instance into that port, and have been put in possession by Mr. Porter of all the circumstances and correspondence which there occurred relative to this transaction.

We therefore abstain from troubling your Lordship with a mass of papers referred to in the claimant's defence, consisting of letters which passed between the President of the Province, Her Majesty's Consul, and Commander Christie, as well as of a very voluminous judicial act, termed in this country justification, which was had before the British Conservatorial Court at Bahia, and which ended by a sentence of that Court in favour of the plaintiffs.

In this act they value the brig at 25 contos, and the freight and cargo at 60 contos, and its object is to stamp that value as proved by a judicial sentence; as also certain complaints of ill usage alleged against the captors, to which reference is made in the defence, and a positive contradiction to the statement at the foot of the captor's declaration respecting irons and papers having been thrown overboard by the individual who is said to have witnessed the act.

With regard to the first object, however such valuation may be urged on this Court, as it doubtless will be when the claim for damages is presented, it will of course be no way binding on it, and will only be taken for what it may be worth in view of such vouchers in support of the claim for indemnification, as may be presented when the whole comes under consideration on the 15th of May next, to which day the Court have given the claimants, regard being had to the probable necessity of their communicating with Bahia.

With regard to the other matters, the Court did not feel itself called upon to take any other notice of them in its sentence than to express regret that the individual to whom the statement of having seen the irons, &c., thrown overboard is attributed, should not have been brought before it by the captor.

With reference also to the want of a manifest charged upon the claimants, it is right to observe that a copy of that of the "*Nova Aurora*," registered at the Custom-house at Bahia, forms part of the above justification.

Our report of the case goes so fully into every particular of this detention, that we need only add that the two Commissary Judges were both clearly of opinion that it was unjustifiable, and that the commander of the "Rose" was not warranted, in view of the instructions, in carrying the detained vessel into Bahia.

In the sentence your Lordship will find recorded the protest of our Brazilian colleague against the right of detaining outward-bound vessels. This is a step which we must always expect on his part, though, as is seen, it does not preclude his taking cognizance of any such cases when brought before the Court.

The question of the Brazilian Commissary Judge to the prize-master, which resulted in the explanatory declaration of the latter, was put in this sense.

We have, &c.

(Signed)

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

&c.

&c.

&c.

First Enclosure in No. 230

Captor's Declaration.

I, PETER CHRISTIE, commander of Her Britannic Majesty's ship "Rose," hereby declare that, on this 26th of February, 1841, being in the latitude of 13° 7' 57" south, and longitude 37° 50' west, I detained the brig or vessel named the "Nova Aurora," sailing under Brazilian colours, commanded by João Jozé Peinato, who declared her to be bound from Bahia to the west coast of Africa, with a crew consisting of 16 men, 15 passengers, and 1 slave, whose names are declared by them respectively and inserted at the foot hereof:

Manoel de Rosa Santos.

Francis Espriz Santo.

João Zarias.

Domingos Jozé da Cunha.

Jozé Dom. Silva Marques.

Francisco Jozé do Silva.

Baptiste Lafonte.

Jozé Mendes Beneso.

Names of Passengers.

Benedicto Ant^o de Souza.

Leopoldino de Souza.

Luis Ladislão.

João Periera.

Francis Xavier Catalina.

Alex^r Gon^r.

Manoel de Conte.

Names of the Crew.

H. de St. Fine.

Miguel Affonço.

Jozé Ruf^o Gomes.

Jozé Fernandes.

Ant^o de S^{ma}.

J. Maxi^o Pite.

Ant^o Duarte.

Sal^r Jordão.

Man^l do Cruz da Trindade.

Jozé.

Ant^o.

André.

Francisco.

Cactano.

João.

Jozé, a slave.

And I do further declare that I have detained the aforesaid brig or vessel for being fitted out for the illegal traffic in slaves, as the annexed declaration will show; and I also detain her for having a number of arms on board, without a licence from the Imperial Government of Brazils, agreeably to my order, dated the 25th of November, 1839, which directs me to detain all Brazilian vessels illegally armed, and send them to Rio de Janeiro. And I also declare that I have mustered her crew and passengers and make the total number of persons found on board to be 33, and the extra person the master can give no satisfactory account of; his statement and the man's totally disagree.

(Signed) P. CHRISTIE.

Witnessed by THOMAS SHARP HILL, *Lieutenant.*
E. E. MORGAN, *Mate.*

We, whose names are hereunto subscribed, belonging to Her Majesty's sloop "Rose," have been present at the search made on board the detained brig or vessel named the "Nova Aurora," and we make the following statement, viz.:

That, on clearing a great part of the hold by removing a portion of her cargo, we discovered a tier of water-casks down underneath the deck at the fore peak, whereas the master of her declared there were none on board except those seen on deck at the time she was boarded, the number altogether amounting to 14 large casks (supposed to contain about 120 gallons each), besides 9 smaller ones. We therefore do consider that she could not require such a large quantity of water for the short distance she has to go, if merely engaged in lawful commerce.

In addition to this she has a number of large casks containing some kind of coarse spirit, but no doubt intended for water on the return of the vessel with slaves.

On examining the master's cabin we discovered an extraordinary quantity of farinha, upwards of 11 bags, or about 2000 lbs., all stowed in bulk, besides rice: neither of the above articles are entered in her manifest, and from such a quantity of farinha being found, there can be no doubt but it was intended to feed slaves on during the voyage from the coast of Africa. It could be for no other purpose, as there is an ample supply of provisions and live stock on board for the subsistence of the passengers and crew.

Secreted amongst the farinha and in other parts of the ship we discovered the following arms, viz., 1 blunderbuss, 15 muskets, 3 pistols, and several swords, not mentioned in her manifest or in any of her papers.

Having no arming licence, such a number of arms on board is a direct violation of an order from the Imperial Government of Brazils, where it stipulates that vessels shall not carry more than one small gun for the purpose of making signals: she therefore is, in accordance with that order, *illegally armed.*

She is also fitted for a second or slave deck all round her hold, which is a convincing proof what she is intended for.

We also found on board a number of small pumps or suckers usually made use of in slave-vessels, certainly not necessary for a merchant vessel engaged in lawful trade.

The cargo is such as is generally used in bartering for slaves, such as beads, and a variety of ornaments, trinkets, &c. &c., besides the general cargo of bale goods, tobacco, and spirits.

The statement at the foot hereof made by one of her passengers, bears strong testimony in what traffic she was about to be employed; and we further declare that we are not aware of there being anything deficient in the "Nova Aurora's" equipment, or anything connected with her, that could be further necessary to prove that she is engaged in the illegal traffic in slaves. And we further declare that we are willing to make oath to the impartiality of our proceedings on board the "Nova Aurora," and to the statement herein contained.

Given under our hands on board Her Majesty's sloop "Rose" at Bahia, this day of March, 1841.

(Signed)

P. CHRISTIE, *Commander.*

THOS. SHARP HILL, *Senior Lieutenant.*

JOHN HAYNES, *Master.*

E. E. MORGAN, *Mate.*

J. HAVES, *Carpenter.*

We whose names are hereunto subscribed, belonging to Her Majesty's sloop "Rose," hereby declare that we were present in the cabin when "João Pereira," a passenger taken out of the detained brig "Nova Aurora," stated that during the chase he saw irons and papers thrown overboard; and we further declare that we are willing, if required, to make oath to the above statement.

(Signed)

P. CHRISTIE, *Commander*.
THOS. SHARP HILL, *Lieutenant*.
AUG. C. HOBART, *Midshipman*.

Second Enclosure in No. 230.

(Copy.)

Affidavit of the Prize Officer.

OUR SOVEREIGN Lady the Queen Victoria against the brig "Nova Aurora," João Jozé Peixoto, master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and stores on board the same, taken by Her Majesty's ship-of-war "Rose," Peter Christie, Esq., commander, and brought to Rio de Janeiro.

Appeared personally Edward Edwin Morgan, mate on board Her Majesty's ship "Rose," being duly sworn, maketh oath that the said Commander Peter Christie, Esq., of Her Majesty's ship "Rose," is duly authorized and empowered, according to the provisions of the Treaties now existing between Her Britannic Majesty and his Imperial Majesty the Emperor of Brazil, to make seizures of vessels under Brazilian colours engaged in the Slave Trade, and that according to such powers and in virtue thereof, he, the said commander, did detain and capture the Brazilian brig above-named, on the day and in the latitude and under the circumstances specified in the declarations and other documents hereunto annexed.

And the deponent further maketh oath, that the papers, writings, and documents hereunto annexed, marked from No. 1 to No. 11 inclusive, were given up to and seized by the said commander, and that the same are now brought and delivered up in the same plight and condition as when so received by the said commander, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

(Signed)

EDWARD EDWIN MORGAN, *Mate*.

Third Enclosure in No. 230.

(Translation.)

Sentence.

Rio de Janeiro, April 15, 1841.

THE present proceedings respecting the detention of the Brazilian brig "Nova Aurora," on the 26th of February last, in latitude 13° 7' 57" south, and longitude 37° 50' west, by Her Britannic Majesty's sloop-of-war "Rose," P. Christie, commander, being examined, it is seen that the said brig, the property of the Brazilian subjects Joaquim Jozé dos Santos Mathado and brother, residents of the city of Bahia, was by them laden on freight, and that having sailed for the coast of Africa on the 22nd, she was some days after detained by the aforesaid sloop on suspicion of being engaged in the traffic in slaves, and that Commander Christie took her back to Bahia, a step not exactly consistent with the first Article of the Instructions intended for ships-of-war employed to prevent the illicit traffic in slaves, from whence, after having subjected her to a strict search, he sent her on the 3rd of March to Rio de Janeiro, with a view to her being there brought for trial before this Commission.

It is the less requisite on this occasion to discuss the right which cruisers may have to detain vessels without slaves on board—a right, however, which the Brazilian Commissary Judge cannot but call in question until a new agreement be concluded between the two Governments, although his colleague, the British Commissary Judge, is of opinion that the Convention of the 23rd of November, 1826, is already a sufficient authority for them so to do in certain cases, that is to say whenever the vessel is intended for the traffic in slaves, because it is evident that the motives alleged by the captor in his declarations are by no means sufficient to have justified the detention of the brig "Nova Aurora."

It is not necessary to examine particularly those motives, because even the proctor for the captor deemed them so insufficient that, after having proceeded to another minute examination of the brig in this port of Rio de Janeiro (a fact of which this Commission has received information, although it does not appear in the autos), he declared that he desisted from the accusation against this vessel.

It is right, however, to remark, that one of the motives was, the said brig being illegally armed in view of the orders of the Imperial Government.

Be this allegation as it may, it is not competent for the cruisers, in virtue of the instructions annexed to the Conventions which regulate this tribunal, to detain vessels for similar violations of the regulations of the country, nor for this Commission to take cognizance of captures made on such grounds, the orders dated the 25th of November, 1839, of which the captor speaks in his declaration, being wholly unknown to it.

Another reason alleged as inducing the captor to make the detention in question, is the statement said to have been made by a passenger, of having seen irons and papers thrown overboard during the chase.

Such a fact, legally proved by the deposition of the witness himself before this Commission, would undoubtedly deserve great consideration; and it is therefore much to be lamented that the captor should not have sent so essential a witness before it, the more so as this same individual appears to have availed himself of this omission on the part of the captor, to make a declaration before the British Conservatorial Court at Bahia in a sense directly contrary.

Seeing what has been stated, the Commissary Judges adjudge the detention of the Brazilian brig "Nova Aurora" to be illegal, and declare her to be a bad prize to Her Britannic Majesty's sloop-of-war "Rose," and order that she be released and immediately given up with all her cargo and appurtenances to her lawful owners, the same being at liberty to present forthwith to this Commission the

account of the indemnities to which, conformably to their prayer and to the regulations of the Commission, they may be entitled.

The Commissary Judges however cannot sign this sentence without calling the attention of the Imperial Government to the irregularity observable in the passport with which the authorities of Bahia permitted the brig in question to sail. It may be that there being no Custom-house on the Mina coast it may not be the practice, as the captured party alleges it is not, to carry a manifest, on the want of which the captor's proctor lays great stress; but the passport with which the said brig was navigating, although given by the legitimate authority, namely the President of the Province, was a passport only for the coasting trade, in which her destination was not mentioned, while at the same time it was declared in all her other Despatches that she was bound for the coast of Africa, without however saying to what part of the same.

(Signed) JOZE CARNEIRO DE CAMPOS.

GEO. JACKSON.

(A true copy.)
(A true translation.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*
JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission

Fourth Enclosure in No. 230.

Report of the case of the Brazilian brig "Nova Aurora," detained on the 26th of February, 1841, in lat. 13° 7' 57" S., long. 37° 50' W., by Her Majesty's sloop of war "Rose," P. Christie, Commander, on suspicion of being engaged in the traffic in Slaves.

Rio de Janeiro, April 17, 1841.

THIS brig sailed from Bahia for the coast of Africa on the 22nd of February, 1841, with a passport, which, though given by the legitimate authority, namely the President of the Province, was yet an illegal document for such a voyage, because it was a passport such as is used and valid only for the coasting trade. In this passport the destination of the brig was not declared, although in the further Despatches with which she was furnished, she was said to be bound to the coast of Africa, without however stating to what part of the same.

The "*Nova Aurora*," the property of Brazilian subjects, was laden on freight at Bahia with a cargo, the freight of which amounted to upwards of 9 contos. She had no manifest, the want of which was accounted for by there being no custom houses on the Mina coast; but she had a cargo book, signed by the owners of the vessel, in which the goods on board, chiefly tobacco and rum, are regularly entered.

Her Majesty's sloop "*Rose*," it seems, was at Bahia when she sailed, and two days afterwards, viz., on the 24th, Commander Christie went in pursuit, whether from information received or on mere suspicion, does not appear—and coming in sight of her on the following day, he detained her on the 26th, and carried her again into Bahia on the 27th, where he subjected her to a strict search, the result of which is given in the Captor's Supplementary Declaration, and on the 3rd of March he despatched her, under the charge of Edward Edwin Morgan, mate, to Rio de Janeiro, where she arrived on the 16th; and on the 20th of the same month, her papers, with the declarations of the Captor, were brought into Court by the aforesaid prize master, who ratified the same on oath, with the additional deposition hereunto annexed; to which, on the 22nd, he desired to be allowed to add the declaration in explanation. On this occasion he made also a further deposition.

The usual monition was immediately issued according to the forms of this country, and on the 22nd and 23rd the three white men sent up with the prize were examined.

The first witness, João Jozé Peixoto, swore that he was a native of the island of Fayal, but a Brazilian citizen; that he was a sea-faring man, and now master of the brig "*Nova Aurora*;" that this vessel was destined to take a cargo on freight to the coast of Africa, and to return in ballast, or with any licit cargo that he might find there, such as oil, shawls for blacks, baskets, cocoa-shells, and mats, as she had done more than once already; that as to the charge of having a greater quantity of water than was necessary for the voyage, he had only 12 pipes and seven barrels, which he thought was even yet too little; that the casks filled with some ordinary spirit did not belong to the vessel, but to the shippers, as appears by the cargo book; and that as to the large quantity of farinha and rice, there were only about 32 bushels of the former and 6 of the latter, which altogether he considered very little for the voyage; that as to the arms mentioned by the Captor, some of the muskets belonged to black passengers, and some to the cabin passengers; that one of the pistols belonged to him, the deponent; and two, as well as the blunderbuss, to a passenger; and that as to swords, there was only one sword and one foil belonging to a passenger, and that the vessel herself had no arms at all; and as to her being prepared to receive a second, or slave-deck, he affirmed that she was not so prepared, and that she had only the knees proper for securing the timbers of the vessel, and not for a slave-deck, as may be seen on examination; that the reason of his not having the manifest of cargo passed at the custom-house was, that it was not the practice for vessels bound to the coast of Mina to take such, because there was no custom-house, and that the charge of having during the chase thrown overboard irons and papers, as stated in the Captor's declaration on the faith of a passenger, by name João Pereira, who asserted that he saw such thrown overboard, was entirely false; he further denied the assertion of the Captor that deponent had declared that there were no other water casks on board except those seen on deck at the time the vessel was boarded, adding, that he told the boarding officer in Spanish, that besides the water casks on deck, there were 3 pipes and 2 barrels in the fore part of the ship, as he (the officer) went and examined; that there was no other person interested in this vessel except Jozé dos Santos Mathado and his brother; that there were on board 5 white passengers and 10 blacks, and 1 black man transported by the Government; that all the passengers had some cargo, as appears by the cargo book, in which was included the whole of the cargo existing on board; and that there was no other whatever, the owner having no cargo belonging to him; that he, as well as the other officers of the ship, made their agreements with the owner, and that his own pay was 600 milreis for the round voyage, besides 10 per cent. on whatever freight he might bring back.

On being asked in what produce he had intended laying out the amount of the freight which he carried, he replied that the freight is never paid on the Mina coast, but at Bahia on the return, in virtue of acknowledgments given by the owners of the goods so laden.

Respecting the circumstances of the detention, he said that, though he saw a vessel on the 25th, yet he did not recognise her to be an English sloop of war till 10 o'clock on the following morning, when, upon the latter showing her colours and firing at him, he, deponent, bore up and showed his also.

The second witness, Hermenigildo da Silva Senna, swore that he was a Brazilian subject, native of Bahia, a sea-faring man, now mate of the brig "*Nova Aurora*;" that he made his agreement with the owner of this vessel to go to the coast, and bring back any cargo that might offer, but never Africans; that he was not aware that she was fitted for receiving a slave-deck, as declared by the Captor; that he did not consider the quantity of water which she carried to be too great, as they had many passengers as well as live stock, such as sheep, pigs, &c., and as the voyage might last from 40 to 50 days; that he did not know what quantity of provisions had been put on board; that as to the arms, he saw only a few after the detention, which belonged to different passengers, and not to the ship; that he saw neither irons nor papers thrown overboard; that there was no chase, for that though he had seen the capturing ship at Bahia before he sailed from that port, he did not recognise the vessel, which he saw at a great distance on the 25th, to be the sloop of war, till she fired at the brig on the following day; that it was not the custom for ships bound to the coast of Mina to take a manifest of the cargo; that this cargo belonged to the passengers; that he did not know whether there was any further cargo to be delivered to any person on the coast; that the brig is the sole property of Joaquim José dos Santos Mathado and brother; and that his wages were 300 milreis for the round voyage.

This witness being questioned what voyages he had made to the coast of Africa, prevaricated greatly, pretending not to remember the name of more than one vessel, the "*Feloz*," which went to Onim and touched at Prince's Island, or the periods when such voyages were made.

The third witness, Miguel Affonso, swore that he was born at Lamego, but a Brazilian subject; that he was a seafaring man, now boatswain of the "*Nova Aurora*;" that he made his agreement with her owner for 300 milreis for the round voyage, to take the cargo which is on board and bring back whatever licit cargo might offer; that nobody knew better than himself how this vessel was fitted, which was not to receive a slave-deck, as may be seen by the thickness of the cleats or knees; that as to the provisions and water he did not consider them to be sufficient, especially the water, unless drawn out by suckers, as they were actually doing when captured; that he saw no papers thrown overboard, nor irons; that so far from having irons on board, he, deponent, was obliged to make use of ropes to secure the prisoner whom the soldiers brought on board, because they took away their own handcuffs with them when they had delivered over their prisoner; that there were no arms belonging to the ship, and only a few muskets, &c., the property of the passengers, and a small one belonging to himself; that there was no cargo whatever on board, except what is entered in the cargo book, and that there were only 4 arrobas of jerked beef for the use of the cabin; that in the hold of the vessel there were a few casks of spirits, belonging to the cargo of the brig, as well as some few in the boat, for which there was not room in the hold; that the brig was partly unladen in the port of Bahia after her capture, but that neither he nor the other officers were allowed to be present when this was done, nor even to approach the hatches; that this was the first voyage he had made in this brig, but that he had made several in different vessels while the traffic was permitted, since which he had sailed only for Monte Video and Rio Grande.

After some delay on the part of the Captor's proctor in procuring a proper power of attorney, he presented himself, duly authorised as such, on the 1st of April, when he offered a petition to the Court, requiring a further search to be made on board the brig. This petition and the answer of the Court are hereunto annexed.

On the 5th, the Court having ordered an exact return of the number of casks, quantity of farinha, &c., on board the brig to be made, and having also requested the Imperial Government to cause an examination, by the artificers of the Arsenal, of the alleged existence of the fittings for a slave-deck on board the brig, the Captor's proctor (the defence herewith subjoined, in translation, having been given in on the 10th) declared that he would not allege any thing in support of the accusation, as regarded the former of these inquiries; and on the 14th he presented a paper, of which the enclosed is a translation.

The Court, without waiting for the report of the artificers, which thus became superfluous, immediately ordered the proceedings to be closed, and on the 15th the two Commissary Judges signed the sentence, declaring the "*Nova Aurora*" to have been unlawfully detained and to be a bad prize, and ordering her immediate restitution to her rightful owners, leaving them at liberty to claim a valuation of the damages which they may have a right to demand.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

Fifth Enclosure in No. 230.

Deposition of Edward Edwin Morgan, mate, on presenting the ship's papers of the Brazilian brig "Nova Aurora," and ratifying the captor's declarations, viz.:—

THAT the captor, Commander Christie, was duly authorized to capture Brazilian vessels engaged in the traffic in slaves in virtue of the Conventions between Her Britannic Majesty and His Imperial Majesty; and on being asked by the Brazilian Commissary Judge whether the captor, besides the instructions which ships of war authorized to detain vessels employed in the traffic of Africans ought, according to the same Conventions, to carry, had any other instructions or orders to detain Brazilian vessels on their leaving the ports of Brazil destined for the coast of Africa without slaves being found on board, he replied that he was not certain, but that he thought that the Commander had other orders besides the instructions to which the Conventions refer to detain whatever Brazilian vessels may be about to engage in the traffic of Africans, whether they be found on board or not. He added that they got sight of the captured vessel about noon on the 25th, that the chase lasted till nightfall, that they then lost sight of her till the following day, when they again saw and took her after firing two guns and several muskets with blank cartridge; that the 15 passengers mentioned in the declaration

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were some white and some black; that he did not know the number of each, but that they were all on board the sloop "Rose" when he left Bahia, and that he brought with him four individuals, viz. the captain, mate, and the boatswain, white men, and the cook, a black.

Sixth Enclosure in No. 230.

Declaration of the Prize Officer.

Rio de Janeiro, March 22, 1841.

To the Commissary Judges of the British and Brazilian
Mixed Commission Court.

THE undersigned, Edward Edwin Morgan, mate, belonging to Her Majesty's ship "Rose," and prize officer on board the detained Brazilian brig "Nova Aurora," declares that being, on the 20th instant, asked by the Brazilian Commissary Judge if the commander of the "Rose" had any specific orders to detain Brazilian vessels not having slaves on board, but only on suspicion of being engaged in the Slave Trade, and the undersigned having answered that he believed the said commander had such orders; the undersigned, on now reflecting upon that question and the reply, feels that whatever point might have been in view by such a question after the written declaration sent into the Court by the said commander, that, at all events, his answer was not sufficiently explicit to prevent an improper and unjustifiable inference.

In the first place, the undersigned, from his rank and station on board Her Majesty's ship "Rose," cannot be conversant with the orders under which the commander of that vessel acts; and, in the second place, his declaration that he *believed* Captain Christie had specific orders, although not positive, still induces the probability that the detention of the "Nova Aurora" was not the consequence of a direct operation of the Treaties, but of a specific order. Therefore the undersigned wishes to avoid this doubtful interpretation of his reply, and having, since it was given, ascertained that other vessels besides the "Nova Aurora" have been brought before this Commission Court under similar circumstances, and one of which was condemned under the Slave Treaties with Brazil, the undersigned now feels convinced that it must have been under Captain Christie's interpretation of those Treaties that he detained the "Nova Aurora;" and consequently the undersigned is desirous to record the following correction of his answer to the question from the Brazilian Commissary Judge above referred to:—

Answer.

"I have no positive knowledge as to any or what orders Captain Christie has for capturing vessels under the Brazilian flag bound to or from Africa, but I believe that he acts under the authority of the Slave Trade Treaties."

(Signed) EDWARD EDWIN MORGAN, *Mate.*

Seventh Enclosure in No. 230.

Further Declaration of the Prize Officer.

THE prize master, Edward Edwin Morgan, being asked with reference to the statement at the foot of the captor's declaration, said to be made by one of the passengers, whether he was present when such statement was made, replied that he was not; he further deposed, on being desired to state what he knew respecting an individual on board, who was neither mentioned as passenger nor included in the muster-roll, that the master of the brig told Commander Christie, on going on board, that this individual was only discovered at sea after the brig had left Bahia, and that he could not throw him overboard; that he himself assisted at the search, but that he could not say what was the shape of the water-casks which were found in the hold, nor the number of those which were on board filled with spirits, and that he was not present when the master of the brig is said to have declared that he had no other casks on board than those on the deck.

Eighth Enclosure in No. 230.

Petition of the Captor's Proctor.

Rio de Janeiro, March 27, 1841.

Illustrious Members of the Mixed Brazilian and British Commission,

ROBERT HESKETH, proctor for Commander Christie, of Her Britannic Majesty's sloop "Rose," says, that inasmuch as the interest of the aforesaid Commander, as captor of the brig "Nova Aurora," requires that the contents of the hold should be examined, which cannot be done without removing on board of covered lighters part of the cargo in order to afford an opportunity of searching what may be stowed away with and under the water-casks, requiring at the same time that an officer on the part of the Mixed Commission, another on the part of the captor, and the master of the brig "Nova Aurora" assist at such search:

Wherefore he prays that you, Gentlemen, will be pleased to permit this search, prolonging the time already granted (namely, the 26th instant) for this purpose for him to lay before this Commission proofs which may justify the detention of the said brig "Nova Aurora," beyond what has been already alleged.

(Signed) ROBERT HESKETH.

Answer of the Court.

Rio de Janeiro, April 1, 1841.

THE Commission has no power, in virtue of the Convention and of the Instruments annexed, to grant the permission prayed: if, however, the petitioner, acting upon the analogy of the eighth Article of the Instructions, wishes to make the said search, the Commission offers no objection, the

responsibility of the act, however, resting strictly with the captor, considering the consequences which may result therefrom. For this purpose they grant till the 5th instant, in order to his presenting his allegations to this Commission.

(Signed) CARNEIRO.
G. JACKSON.

(A true translation.)
(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Ninth Enclosure in No. 230.

Claimant's Defence.

Illustrious Members of the Mixed Brazilian and English Commission.

DR. MANOEL PEREIRA DA SILVA has the honour to present the defence of the Brazilian brig "*Nova Aurora*," which he begs that you, Gentlemen, will be pleased to order to be added to the "*autos*" for final sentence, with the accompanying documents all duly sealed.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

Rio de Janeiro, April 10, 1841.

Joaquim José dos Santos Mathado and Brother, Brazilian subjects, well-known merchants of repute in the city of Bahia, not only on account of their fortune, honour, and probity, but also of the eminent services which they have rendered to the Imperial throne of Don Pedro II. and to the integrity of the empire—services of such a nature and of such importance as that the government of Brazil has held them in high consideration—are owners and proprietors, by inheritance from their father Mancel José dos Santos, of the national brig "*Nova Aurora*," as well as of other property, as is proved by the annexed document, No. 1.

With the intention of sending their brig in lawful trade to the coast of Africa, they put her up publicly on freight, which they succeeded in obtaining, as is seen by the manifest in the appendix, with which the different bills of lading in the "*autos*," the cargo-book, and sundry invoices, agree; the whole cargo having been legally despatched through the different forms of law, and paid the respective duties to the Brazilian nation, as shown by the custom-house clearance.

Having, in fact, obtained the necessary despatches to enable her to proceed on her voyage, such as her passport, list of crew, manifests of cargo, clearances, bill of health, anchorage duties, police certificate, letter of orders, the authentic declaration signed by the legal authorities that everything was in order, muster-roll, all which were found on board, and are in the "*autos*," and which for greater legality they caused to be signed by the English Consul in that city, and giving, finally, security, or the act of responsibility required by the provincial government not to engage in unlawful traffic, as is also proved by the appendix, the brig, under the command of a Brazilian citizen, João José Peixoto, was enabled to sail from Bahia on the 22nd of February of the present year, after having been subjected to the visit of the register boat, and having in every way conformed to the law.

On the 27th, however, the brig, instead of proceeding on her voyage, re-enters the port whence she sailed, the colours of Great Britain, instead of the Brazilian arms, under which she went out, hanging from the mizen. The English corvette of war "*Rose*," Commander P. Christie, leaving Bahia on the 24th, and coming in sight of the brig on the following day, chased, detained, and sent her back. They had hardly anchored when the captor took all the crew and passengers out of the brig and trans-shipped them on board of the corvette under his command, as is proved by the declarations in the aforementioned appendix, on purpose, perhaps, that they might not assist at the examination and search to which he was about to proceed, and without so much as showing her captain the instructions with which he was furnished, and which might have authorized the detention—instructions required by the additional Convention of 1817, and which were not even presented to this Tribunal of Mixed Commission, notwithstanding they were called for by the Brazilian Judge, who received for answer from the prize-master, Edwin Morgan, that he believed that Commander Christie had them.

The captor then, disregarding the representations of the most excellent President of the Province of Bahia—representations which, as being very weighty and legal, are subjoined to this argument—ordered the brig to be unloaded, to look, as he said, for indications of her employment in illicit commerce, and to proceed to a minute search, trans-shipping part of the cargo on board the corvette and placing part on the deck of the brig herself, to the great detriment, as well of the goods which she carried, and which consisted of tobacco, piece goods, rum, &c., as of the vessel herself. It is to be remarked, that at no act of this search did Captain Peixoto assist, nor any person whatever belonging to the brig; and, after it was completed, Commander Christie ordered the cargo to be replaced and put in order afresh, which was also done in the same manner.

On the 4th of March, when it was the current opinion at Bahia, from the reports which had transpired from on board (notwithstanding the crew and passengers having been kept without communication, and of the secrecy and mystery which, by special order, reigned there), that no indication having been found in the brig such as the captor commanding sought for with such care and pertinacity, she would be released to continue her voyage, the captor, to the great surprise of all the inhabitants and of the Brazilian authorities, particularly of the President, who had made representations on this subject to the Government of His Majesty the Emperor, ordered the brig to weigh anchor, after having let all the passengers and crew, with the exception of the captain, the mate, the boatswain, and the cook, go free, and putting on board a prize-master, ordered her to proceed to Rio de Janeiro, where she arrived on the 17th, and was brought to trial before the Tribunal of the Mixed Brazilian and English Commission, to whom, with all due respect, we proceed to submit our argument.

First and foremost, we must discuss the legality not only of the visit, but also of the detention of the brig, considered in a general point of view, with relation to the treaties contracted between the crown of Brazil, to which the captured vessel belongs, and the British nation, to which the capturing corvette belongs. The facts which we have faithfully related, and which are proved by the documents

in this process, we will take for our basis, without at present referring to the motive which induced Captain Christie to commit the act of detention, which we will discuss further on in its proper place.

By the treaty of the 23rd of November, 1826, it is stipulated that in order to put an end to the traffic in slaves between Brazil and the ports of Africa, the two nations agree to adopt the Treaty existing between Portugal and Great Britain of the 22nd of January, 1815, and the additional Convention of the 28th of July, 1817. Now, in the fifth article of this Convention we read as follows:—"The ships of war of both royal navies which shall be provided with the special instructions annexed to this Convention may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board acquired by an illicit traffic, and (in the event only of their actually finding slaves on board) may detain and bring away such vessels in order that they may be brought to trial," &c.

And in the first article of the Instructions annexed to this Convention, and intended for the commanders of the ships of war, we read—"every ship of war shall have a right to visit the merchant ships of either of the two powers, actually engaged, or suspected to be engaged, in the Slave Trade," &c.

The brig in question, however, having sailed from Bahia on the 22nd of February, having been seen while loading in that port, been legally despatched, and her despatches, for greater proof, having been presented in the English Consulate, and the corvette sailing, as it appears, on purpose, on the 24th, detaining her on the 26th, it is beyond all doubt that there could not be a reasonable ground for suspicion of her being engaged in the traffic in slaves; the interval, only three days, being so short, and consequently it is most evident that Commander Christie violated, by visiting her, the Treaty in the articles which we have above cited; nor can he plead ignorance in view of the seventh article of the above-mentioned Convention, which directs that the cruisers shall be furnished by their Governments with a copy of the instructions, of which we have cited the first article, which was infringed by this very act; and let it be here observed that this reasonable ground for suspicion, spoken of in the Treaty, can only exist on board a vessel coming to Brazil from the African ports, because they are the only ones that can have carried on, or be carrying on the traffic, and in no manner on board a vessel bound outward with licit cargo, and with lawful despatches, though she may be destined for the coast of Africa or for any other part. If this right of visit were discretionary, at the will of the cruisers, great prejudices might result to licit commerce, which could never have been the intention of the authors of the Treaty.

Besides this illegal visit other acts were also practised, in contravention of the same Treaty, and which are of still graver consequence and of greater importance.

Commander Christie having visited the brig, and not having found slaves on board her for the traffic—how, by what right could he detain her? We have already transcribed the closing part of Fifth Article of the Convention—we will now transcribe other Articles on the same subject.

"Article 6. Cruisers shall not detain any slave-ships not having slaves actually on board; and in order to render lawful the detention of any ship, the slaves found on board such vessel must have been brought there for the express purpose of the traffic."

Article First of the Instructions—"Ships on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever.

By the perusal of these Articles it becomes clear and evident that the act of detention was entirely arbitrary, and, what is more, an offence against the law of nations, which demands respect; and against the letter of the Treaties existing between His Imperial and Her Britannic Majesty, and which not only both Governments but also the commanders of the ships-of-war, whether Brazilian or English, are bound to fulfil and to cause strictly to be fulfilled, as the Fifth Article expressly determines when it says (the latter) "shall adhere strictly to the exact tenor of the Instructions annexed to this convention.

It is also to be noticed, that even after these illegal acts of visit and detention the captor commanding violated the Second Article (the First) of the same Instructions, with which he ought to have been furnished, where he is directed, after having detained a vessel, to bring her as soon as possible for judgment before the Mixed Commission. What, however, did the captor commanding do when he had detained her? He took her again to Bahia—and there, under pretext of instituting a more minute search, he stopped five days; and this he did in the absence of the captain, crew, and passengers of the vessel, whom he transhipped on board the corvette. How could such an examination, such a search, be considered as *bond fide*, the captor—that is to say, one of the parties interested—being the only person present? Might it not be suspected that, having taken possession of the brig, and removed from the scrutinizing and cautious eyes of the prisoners, the captor would endeavour to put on board some objects or other which might compromise the detained vessel, not indeed with a view to cause the loss of the same, but only as a personal salvo to justify the act of detention which he had so unreflectingly practised?

Moreover, besides the illegality of such a search, of its total invalidity in law, of the little or no credit which could be derived from it, even had the captor commanding declared that he had found on board the brig articles to compromise her, which happily he did not declare, it could not take place in virtue of the Article already cited above, inasmuch as what Commander Christie ought to have done as soon as he detained the vessel, was to have proceeded with her immediately to Rio de Janeiro, in order to bring her for judgment before the Mixed Brazilian and English Commission; and if by any unexpected and over-ruling accident he was obliged to go to Bahia, he ought then to have conformed to the stipulations of the Second and Third Articles of the Instructions, which direct that supposing the visit to be effected, if the vessel is within the port, or within reach of the batteries of either of the two nations, proper representations may be addressed to the local authorities of the country, as the President of the province very properly required in his note to the Consul of Her Britannic Majesty of the 3rd of March, subjoined, No. 2.

It was only after all these facts, which followed one another as if in express contempt of the Treaty, that the commander of the "Rose" determined to send the brig "Nova Aurora" to Rio de Janeiro. And as he affirmed at Bahia that he had found on board such indications as left no doubt in his mind that she was employed in the traffic of slaves, so here he declared before this Mixed Commission, before this respectable tribunal, on bringing her before the same by the channel of the individual Edwin Morgan, who was charged with the management of the brig, and the documents and papers found on board her, that on the 25th of January, at noon, he saw the brig, and, giving chase, detained

her on the following day, latitude $13^{\circ} 7' 57''$, longitude $37^{\circ} 50'$; and that not being able to examine her there he took her to Bahia, whence in consequence of the indications of her employment in the traffic resulting from the visit and search which he there made he sent her to this Commission, grounding himself on the following motives:—

1st. For having found a blunderbuss, 15 muskets, 3 pistols, and some swords, arms not mentioned either in the manifest or clearance, and therefore a violation of the instructions of the Imperial Government of the 25th of November, 1839, the brig being thus illegally armed.

2ndly. For having found a running tier of 14 casks or pipes for water under the fore part of the deck, besides some smaller ones.

3rdly. For having found a number of casks filled with a kind of ordinary rum, which he suspects to be for water on the return voyage.

4thly. For having found a quantity of loose farinha, about 11 sacks, and some rice, which not being declared in the manifest, there existing besides poultry, pigs, and other live stock, he could not think was intended for the support of the crew, but for slaves to be brought on the return.

5thly. For having found some suckers, which are used only on board of slave-ships.

6thly. The brig being fitted for a second, or slave-deck, all round the hold.

7thly. The black, João Pereira, who was on board the brig during the chase, having declared that he saw irons and papers thrown overboard.

But for deference towards this tribunal, to whom we owe consideration and respect, we should certainly abstain in this place from discussing the weight of the indications offered by the captor, not only because, even though they were well founded, it would not be necessary for us to take up time, considering the proofs which we have already presented derived from the existing Treaty between Brazil and Great Britain which authorises detentions only in case of finding slaves on board for the traffic, which Treaty is the only one which guides us—the only one to decide this question, but also because in truth these indications presented by the captor commanding are the most insignificant, the most miserable that can well be imagined—they are such as were not even deserving of the honour of figuring among the number of those pointed out by Lord Palmerston in the Bill which he offered to the English Parliament, and which has lately been adopted by it, and sanctioned by Her Britannic Majesty's Government; moreover this Bill, besides appearing to us as violating the most obvious principles of the law of nations and the guarantees of an independent nation, is in no way applicable to Brazilian merchant-ships, and solely to Portuguese vessels; against which it is especially and expressly directed, as the very wording of it demonstrates.

The first of the reasons pointed out, even if these arms did exist on board, cannot in any manner avail, since, in the first place, it behoves the Brazilian authorities to watch over the execution of their own laws; and the Brazilian Government has not yet given authority to English ships of war to cause to be fulfilled that which is ordained by law for the public and internal security of the country; it not belonging to Commander Christie to know whether the brig did or did not come within the penal purview of the instructions of the 25th of November, 1839. In the second place it is right to observe that these arms were loose, without flints, some incapable of being charged, and some of being fired off, old and worn out, so that the vessel cannot in good faith be said to be illegally armed, so much so that there was no powder on board, which shows sufficiently that these arms were not in use. All this is proved by document and by testimony.

The second reason is there having been found a greater quantity of water on board than, in the opinion of Commander Christie, was required for the vessel; be it remembered that the crew and passengers consisted of 33 persons, as stated in the captor's declaration, and for a long voyage the number of $15\frac{1}{2}$ pipes of water, which is the quantity found and ascertained to be on board, as also 11 sacks of farinha, 6 alqueres of rice, and the stock, cannot appear to be too much, taking into account also the animals spoken of by the captor, and which it was necessary to feed.

As to the quality of the rum it was of from 18 to 20 degrees, and we cannot understand the supposition of the commander that pipes full of such rum could be destined for water on the return—a supposition as groundless as it is gratuitous.

The suckers to which the captor paid such attention were only 4; and this small number attracted the notice of Commander Christie so much that he at once supposed they were for the use of slaves on the return. We will not here also omit to remark the suspicious existence of his 6th motive, the knees of the vessel, according to the Brazilian mode of construction—for this brig was built at Camanu—appeared to him to be fittings for a second, or slave-deck, and he at once ascribed a natural and usual fact to a sinister and reprobated intention.

The fact which the captor alleges finally, that the passenger, João Pereira, had communicated to him, that during the chase irons and papers were thrown over from on board the brig, is entirely false. This passenger was one of those who were let go free at Bahia: he swore in the Appendix of which we have already spoken, and there asserted that he was invited to state similar facts to these in order to justify the captor, many insinuations and promises having been made to him, all which he resisted. Thus the falsehood of this allegation of the captor is proved; and it is to be observed that if this allegation were true, doubtless Commander Christie, for it would have been his duty so to do, would have brought this João Pereira before the Mixed Commission, there to depose to this fact; how then did he by his own act let him go free? Certainly because his deposition, which would prove the falsehood of the allegation made up by the captor, did not suit the latter.

To these observations are to be added those which the justification in the document No. 2 may afford us—a legal justification, made before the English Conservatorial Court at Bahia, the Consul of Her Britannic Majesty being previously cited, at which he assisted, and which was followed by the depositions of eight concordant witnesses, viz., the passengers and crew released by Commander Christie—a justification confirmed by sentence of the competent magistrate with full force of law, having passed through the Chancery without being embargoed. Let the complaints of these poor unfortunate men, of the persecutions which they suffered, of the insults which were directed against them, of the blows even which some received, be read: this last is horrible, not only with regard to the sentiments of humanity, which ought to exist in all well-regulated hearts, but also to the Seventh Article of the Instructions to Cruizers, which directs that the search shall be made in the most mild manner, and with every attention which is due between allied and friendly nations.

Who can in cold blood read the sworn narrative and the entire deposition of each of these prisoners, to whom at first a thousand promises and motives of seduction were addressed, to declare

that the vessel was destined for the traffic in slaves; and as they would not make this declaration, because it was contrary to their consciences, their boxes were broken open, they were robbed of their money, their linen was stolen from them, and they themselves afterwards set destitute on the shores of the city of Bahia? We would wish ourselves not to speak of these facts; we would wish to cover them with an eternal veil; unhappily, however, there they are, proved and sentenced by a final judgment.

No! we doubt not but that the captor was first actuated by the desire of fulfilling his orders; but he exceeded all the rules which, whether by the law of nature, by the laws of his own country, or by the orders and instructions of his own Government, were strictly marked out for him. And in view of such facts, and seeing similar acts practised, can this prize be legalised?—can she be considered a good prize? Certainly not. And even were the indications the strongest, were such suspicions not the necessary result of the conduct of the captor, which take away all moral force from his allegations, could we gather from the objects found on board the brig the full presumption that she was destined for the traffic, besides that indications, in the language of jurisprudence, never produce a proof, neither the Treaty authorised her detention, nor was Lord Palmerston's Bill applicable to her, nor do the criminal laws of the empire at present bear any reference to her, inasmuch as this fact would merely prove that there were indications to commit a crime, the commencement of its execution, however, being wanting by the absence of slaves on board, and of the intention to land them on the coast of Brazil, in order to its being classed in this manner conformably to the doctrine of the 1st article of the penal code of the empire.

In view then of these reasons—in fulfilment of the Treaties, which should be religiously observed—in furtherance of justice, which in everything should be consecrated—in the name of the dignity of this respectable tribunal, which has been in some sort disregarded by the delay of the vessel at Bahia—in the name of the honour of the Government of Her Britannic Majesty, which must necessarily disapprove of acts so horrible and excessive that they cannot be considered as authorised by them—in the name of the dignity of the Government of His Majesty the Emperor of Brazil, which was openly attacked by the visit and prolonged detention of a brig, the property of one of his faithful and respectful subjects—we petition the members of the Mixed Brazilian and English Commission that they will be pleased as soon as possible to pass sentence of acquittal on the Brazilian brig "*Nova Aurora*," in order that, obliging the captor to desist from his pretensions, she may be released from the detention which she has suffered and be delivered over at once to her owners; and the Government of Her Britannic Majesty be bound to pay, in conformity to the 1st and 2nd Articles of the Regulations of the Mixed Commissions, and within the space of one year, conformably to the 6th Article of the same, a just and complete indemnity for the losses sustained, profits forfeited, prejudices due, and legal interest—for all which protest was entered at the city of Bahia, which we now hereby ratify in observance of and according to the usage of our rights.

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Tenth Enclosure in No. 230.

(Translation.)

Argument of the Proctor's Captor.

COMMANDER CHRISTIE, of the British corvette "*Rose*," begs to represent to you, Gentlemen, by his proctor, the motives which induced him to capture the Brazilian brig "*Nova Aurora*," which capture is now submitted to your decision.

It is known that, notwithstanding the prohibition of the traffic in slaves in Brazil, vessels are yet constantly equipped for this illicit traffic, either under a foreign flag, or under the national flag, variously disguised.

The Portuguese flag has been that which has been most employed to cover similar frauds; but now that the government of Her Britannic Majesty, conjointly with that of Her Most Faithful Majesty, have taken the necessary precautions to neutralize the frauds of such speculators, many Portuguese vessels having been taken on suspicion of being engaged in such traffic, new frauds have been contrived by the speculators, always impelled by the hope of gain. Hence it is that of late Brazilian vessels have been employed in this traffic, under the disguise of having lawful cargoes for the ports of the coast of Africa.

The frauds of the speculators in new Africans being thus so numerous and so diversified, what ought to be the proceeding of the cruisers? If they disregard the indications which lead to the truth—if those circumstances which reveal, or may tend to reveal, the fraud be unheeded by the cruisers, such commerce is encouraged and gains strength—the laws and the treaties which prohibit it become useless and without effect; wherefore it is fit that those having the execution thereof, those charged with giving effect to the stipulations of the treaties and of the laws, should not disregard any of those circumstances which may manifest the simulated character and fraud of the navigation of any vessel bound from Brazil to the Coast of Africa.

In the present case attention should be paid to the fact, that the Brazilian brig "*Nova Aurora*" was bound with a cargo for the coast of Africa. The simple fact of her voyage induced suspicion, there being now no other trade between Brazil and the coast of Africa but that for slaves, inasmuch as the productions of the coast of Africa are yet of such small amount as to afford employment only for an occasional vessel.

To this is to be added the fact, proved in the process, that no manifest was found of the cargo on board, nor can the subterfuge of the captured, in this respect, justify them. First, because it is not credible that the custom-houses of Brazil should allow vessels and cargoes to be cleared without a manifest, that being the document which proves the legality of the cargo, and without which many frauds would be admitted and authorised to the prejudice of the public revenue, even in regard to the produce of the country, because the vessel might carry goods, despatched as for the coasting-trade, to foreign countries, receiving them by trans-shipment when at sea; and even any pirate, having plundered vessels at sea, might enter our ports with the cargoes of the same, as belonging to himself; and these are evils which all nations have endeavoured to avert by the manifest. And how is it pos-

sible to admit that vessels laden for the coast of Africa should be despatched at Bahia without manifests, when at Rio de Janeiro, and in every other port in Brazil, no such course is admitted? The laws which regulate the fiscal departments at Bahia are the same which regulate the other departments of a province of the empire, and, if they are the same, how is this gross evasion presented by the captured to be admitted? To admit such an evasion, it would be necessary to assume the prevarication of all the persons in office in that province, which would be iniquitous. In the second place, the reason advanced by the captured, in order to justify the want of the manifest, namely, that the authorities of that province are satisfied with the cargo-book, is also inadmissible: First, because this cargo-book presents nothing authentic to prove its legality. It is not collated or certified by the competent authority, and, therefore, does not constitute any proof whatever. In the second place, it is established by the said cargo-book that the "farinha" found on board was not entered in the cargo-book, which is a proof of its illegality. The said book, then, not being authentic, and not containing the whole cargo, exposes the fraud and simulated character of the voyage.

For these reasons it is evident that the captor had valid grounds for capturing the vessel, inasmuch as it was to be suspected that she was intended for the traffic in slaves; and if the captors have not been able to present other proofs, it is because such speculators, like all other criminals, always endeavour to destroy and conceal all those circumstances which may unmask their connexion with the crime, thus rendering the proofs difficult, for which reason the judges, in such cases of crime, should recognize the indications as the most proper proof for the decision of such questions. Wherefore the captors hope that you, Gentlemen, with the "autos" before you, will decide this question with the justice which characterises you.

(Signed) ROBERT HESKETH.

(A true translation.)
(Signed)

JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Rio de Janeiro, April 14, 1841.

No. 231.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, May 15, 1841.

(Received July 9.)

MY LORD,

THE Brazilian Commissary Judge having transmitted a copy of the sentence of this Court on the "*Nova Aurora*" to his Government, has received a Despatch from the Minister for Foreign Affairs, acknowledging its receipt, and stating that His Excellency had sent a copy of the same to the President of the Province of Bahia, calling, at the same time, his attention to the irregularity of the passport with which the brig sailed from that port, noticed at the close of the sentence, "in order that he may take such steps as he may judge necessary to avoid the repetition of like irregularity in similar cases."

Of this reply of the Minister we have the honour to enclose herewith a copy and translation.

In forwarding our copy of the sentence to Her Majesty's Chargé d'Affaires, we took occasion to suggest to him the expediency of recommending great caution to Her Majesty's consular agents in this empire in giving certificates to Brazilian vessels sailing from the ports where they reside.

This suggestion was induced by finding among the ship's papers of the "*Nova Aurora*" two attestations to the hand-writing of the President, and of another of the authorities at Bahia, which, though in fact nothing more than a recognition of their signatures, were eagerly laid hold of by the claimant's proctor in this case as a further proof of the legality of the vessel's papers. Nor is it at all improbable that the sight of the signature of a British Consul might produce such belief in a boarding officer, in the first instance, and induce a less degree of caution by at once throwing him off his guard. We are glad to find, by Mr. Ouseley's reply, that he coincides with us in this opinion, and that he has written to Mr. Consul Porter accordingly.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

&c.

&c.

&c.

Enclosure in No. 231.

(Translation.)

*M. Aureliano to the Brazilian Judge.**Palace, April 22, 1841.*

I ACKNOWLEDGE the receipt of your despatch of the 17th instant, enclosing a copy of the sentence pronounced by the Mixed Commission, adjudging the detention of the national brig "*Nova Aurora*," by the English corvette "*Rose*," a few days after the former sailed from Bahia, to be illegal, and ordering her to be released, and to be delivered to her lawful owners; and I have to signify to you, in reply, that I have this day sent an order to the President of the province of Bahia, transmitting to him a copy of the same sentence, which is going to be published in this city, for his information, and calling his attention to the irregularity of the passport with which the brig sailed from that port, in order that he may take such steps as he may judge necessary to avoid the repetition of like irregularity in similar cases.

God preserve you, &c.

(Signed) AURELIANO DE SOUZA E OLIVEIRA CONTINHO.

To Sor. João Carneiro de Campos.

(A true copy.)

(Signed) BRAZ MARTINS DA COSTA PASSOS, *Secretary.*

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 232.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, May 17, 1841.**(Received July 9.)*

MY LORD,

WE have the honour to enclose to your Lordship herewith translated extracts from such parts of the Reports of the Ministers for Foreign Affairs and of Justice as relate to the question of the Slave Trade.

The tenor of the first of these documents appears to us to be exceedingly unsatisfactory; but, as it is possible that the communications made to Her Majesty's Legation on the subject of the additional articles and the other measures in contemplation with reference to the Slave Trade may be less so, we will not trouble your Lordship with any comments on the language used by the Brazilian minister in his Annual Report, and will only remark, with reference to his enumeration of the cases adjudicated, that two of them, viz., the "*Providencia*" and the "*Africano Atrevido*," were included in the Report of his predecessor of last year, and that the particulars of the capture of the former vessel are not accurately given. The error relates to the locality of the capture, which was made at sea to the northward of Pernambuco, and not in that port, as may be seen by a reference to our report of that case.

The Report of the Minister of Justice has little of novelty in it, recording only the inefficacy of the means hitherto employed against the traffic, and the inveterate prejudices of the greater part of the agricultural population of Brazil in its favour.

The President of St. Paul's, in reply to the circular to which this Report refers, has maintained this view of the question, and has, we understand, gone into it at much length in a paper said to be drawn up with great care and ability, and which he concludes by an unreserved avowal of the difficulty, if not impossibility, of rendering effective the stipulations of the law of the 7th of November, 1831.

With regard to the concluding paragraph of the Report of the Minister of Justice, touching the execution of the sentences of this Commission, we beg leave to enclose herewith for your Lordship's information the copy of a letter which we thought it our duty to address to Her Majesty's Chargé d'Affaires, detailing the proceedings had in the recent case of the "*Assiceira*," after the sentence of this Court, declaring certain individuals to have been concerned in that adventure, and as such to have incurred the penalty of the First Article of the Convention of the 23rd of November, 1826, had been transmitted to the Municipal Judge for execution.

We have, &c.

(Signed)

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

&c.

&c.

&c.

First Enclosure in No. 232.

Translated Extract from Report made by the Minister for Foreign Affairs.—Mixed Brazilian and English Commission.

THE Mixed Brazilian and English Commission instituted at this Court, in virtue of the Fourth Article of the Convention of the 23rd of November, 1826, for trying cases of contraband in Africans, adjudicated in the past up to the present year the following vessels:—

Patacho, "*Providencia*;" Brazilian galliot, "*Alexandre*;" Patacho, "*Paquete de Benguela*;" a large canoe with Africans on board; Portuguese brig, "*Asseiceira*;" pilot-boat, "*Africano Atrevido*;" and the Brazilian brig "*Nova Aurora*."

The first of these vessels was taken by the Brazilian brig of war "*Constança*," who, finding her abandoned at Pernambuco, captured her from indications of having landed slaves in the island of Itamaracá. The Commission did not take cognizance of her, on account of not finding documents to prove that she was fitted out and despatched from the ports of Brazil, or that any Brazilian subject, or even a subject of any other nation residing in Brazil, was concerned in the adventure.

The second (the galliot "*Alexandre*") was taken by the English brig of war "*Grecian*," on her way from this port to that of Campos, on suspicion of being employed in the illicit traffic. The Commission, by its sentence of the 10th of September of last year, ordered her to be released and given up to her owners, with the right of indemnification for the unjust detention, it being proved that she was employed solely in licit trade.

The third ("*Paquete de Benguela*"), taken by the English brig of war "*Wizard*" with 274 Africans on board, was condemned by the Commission, and the negroes found in her were emancipated, in conformity to the Convention of the 28th of July, 1817.

The fourth (viz., the canoe) was captured by the Brazilian schooner of war "*Primeiro d'Abril*," crossing from the port of Ilha Grande called Abrão with 47 Africans. The Commission did not take cognizance of her, it not being competent for it to do so, because she was boarded by the aforesaid schooner after she had already touched ground near some rocks, being thus without the sphere of the said Commission.

The fifth (the Portuguese brig "*Asseiceira*"), captured by Her Britannic Majesty's brigantine of war "*Fawn*" with 323 Africans on board, was condemned by the Commission, according to the existing stipulations emancipating the negroes.

The sixth (the pilot boat "*Africano Atrevido*") was taken by the military authorities of the port of San Francisco in the province of St. Catherine's, from indications of her having been employed in the traffic in slaves. Of this the Commission did not take cognizance, it being competent only for it to adjudicate on detentions made by Brazilian or English ships of war, in conformity to the first article of its instructions.

Finally, the seventh (the Brazilian brig "*Nova Aurora*") was captured by the English sloop of war "*Rose*" on leaving the port of Bahia, on suspicion that she was destined to the coast of Africa to engage in the illicit traffic. The Commission, finding no proof whatever to justify the detention, ordered her to be released and given up to her owners, leaving to them the right to claim indemnities for the losses suffered, as has been practised with respect to other vessels whose owners or shippers have in fact claimed them: for example the master of the brig "*Pompeo*," to whom, by sentence of the Commission of the 9th July of last year, they were granted to the amount of 38,627,303 Rs., reckoned from the day of the detention, besides the interest of five per cent. on this sum for whatever delay might occur in its payment; and the owners of the galliot "*Alexandre*," the process of whose indemnities claimed is now pending before the Commission.

It has come to the knowledge of the Imperial Government, although not officially, that certain English cruisers having captured vessels engaged in the illicit traffic of Africans have sent them direct to the colonies of Demerara and the Cape of Good Hope, without bringing them for trial before the Mixed Commissions, to whom by the Treaties the cognizance of such cases belongs. After having obtained the necessary information on this subject, the Government will not fail to take it into its most serious consideration in the proper manner, and conformably to the due execution of existing Treaties, the stipulations of which the Government of His Majesty the Emperor will be always very zealous in seeing scrupulously complied with.

The Chargé d'Affaires of Her Britannic Majesty having urged, on the part of his Government, the adoption of the additional articles to the Convention of the 23rd of November, 1826, which having been formerly signed by plenipotentiaries of the two nations were laid before the Chamber of Deputies, the Imperial Government, although it entertains the sincerest desire to adopt such measures as may render effective the abolition of the traffic, has, nevertheless, from a wish to do so with every circumspection and prudence, in order not to expose the licit commerce of the empire to vexations and abuses, occupied itself in this matter with the mature deliberation which it calls for, and will continue to pay serious attention to it, and to forward it, so as adequately to obtain a fitting result, to the reciprocal satisfaction of both Governments, whose friendly relations it is very desirous to cement.

(A true translation.)
(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Enclosure in No. 232.

Translated Extract from Report made by the Minister of Justice.—Traffic in Africans.

Six vessels have been tried and adjudicated by the Mixed Brazilian and English Commission from the 27th day of March, 1840, to the commencement of the present month, viz.:—

The pilot-boat, "*Africano Atrevido*;" Patacho, "*Providencia*;" Brazilian galliot, "*Alexandre*;" Patacho, "*Paquete de Benguela*;" Portuguese brig, "*Asseiceira*;" and the Brazilian brig "*Nova Aurora*;" besides a canoe taken by the Brazilian schooner "*Primeiro d'Abril*" with 47 Africans, of

CLASS A.

which capture the aforesaid Commission did not take cognizance, it having been made near the land. On board the Patacho "*Paquete de Benguela*" and the brig "*Asseiceira*," condemned by the Commission, 597 Africans were taken, who were declared free and emancipated, their services being hired out.

The measures taken by the Government on various occasions have not been able to prevent entirely the traffic in Africans, encouraged by the gain, by the conviction entertained by a very large part of our population that the ruin of our agriculture must be the necessary consequence of the cessation of this commerce, and finally by the constant acquittal of all such individuals as are accused of engaging in it. The most positive recommendations were recently addressed by the circular of the 1st of last March to the Presidents of the maritime provinces to employ all their activity and zeal to render effective the stipulations of the law of the 7th of November, 1831. I cannot but urge the necessity of settling the question proposed in the Report of my predecessor as to the doubts which have arisen with regard to the execution of the sentences of the Mixed Brazilian and English Commission.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Third Enclosure in No. 232.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, May 5, 1841.

WITH reference to your letter, marked confidential, of the 22nd of March, giving your reasons for removing João Baptista Boisson from on board the "*Crescent*" to the French frigate, as also to your confidential note to the Brazilian Minister for Foreign Affairs of the 21st of that month, we beg to inform you that, that individual having been seen walking about the streets of Rio since the sentence of this Court declaring him to have incurred the penalty of the 1st Article of the Convention of the 23rd November, 1826, had been forwarded to the Municipal Judge for execution; and much uncertainty existing as to the result of the proceedings had against the other individuals pronounced by that sentence to have incurred the same penalty, we took the necessary steps, by means of a petition to the Justice of the Peace for the 1st District of St. Rita, to ascertain precisely what had taken place before that authority, and we are desirous of drawing, without loss of time, your most serious attention to the facts which the accompanying certificate, passed only this day, discloses.

It does not become us to enter into a discussion respecting the grounds on which the Justice of the Peace rests the sentence of acquittal, which he has pronounced with regard to all but Boisson, concerned in the case of the "*Asseiceira*," further than to observe that he appears to have attended principally, if not wholly, to the depositions, which, being chiefly those of suspected, not to say criminal, parties, could not be expected to have any other tendency than to exculpate and prove them to be free of all crime; whereas the basis of the sentence of this Commission is founded on circumstantial and collateral proof, drawn from the ship's papers, and other documents seized on board the vessel. But you will perceive from this document (in which it is somewhat singular to find one of the individuals cited, José Bernardino de Sá, called only José Bernardino) that the "promotor publico" himself makes no mention of the sentence given by this Mixed Commission, as condemnatory of the individuals therein declared to have incurred the penalty of the 1st Article of the Convention of the 23rd of November, 1826, and treats it only as a "denuncia" against them, as comprehended in the law of the 7th of November, 1831—with which law this Commission has no concern whatever, and of which the sentence of this Court said not one word—and confining its action solely to the condemnation of the vessel. This mode of dealing with the sentence reduces it to even less than the finding of a true bill by our grand jury: not merely is the right of the Justice of the Peace to decide upon the guilt of the parties recognized thereby, but it is still further left to his judgment to characterize the crime, for which, if at all, they are to be tried.

The decision, therefore, of this Court, as regards the guilt of individuals, is become a perfect nullity: violators of the 1st Article of the Convention of the 23rd of November, 1826, however notorious and clear their participation in the illegal traffic, can never be punished unless actually found on board the slave-vessel: the most guilty parties in the adventure will thus, as in the case in question of the "*Asseiceira*," often escape with impunity, and the fiat of the Justice of the Peace will proclaim to the public and to the Court, that against those condemned by it "*there exists not so much as an indication*" of guilt.

We need hardly point out to you, Sir, how fatally the views and dignity of the two high contracting parties to the above Convention are compromised by such a procedure as this, by which the declared will of two great empires, far from deterring offenders by a dread of the consequences of their malpractices, is set at nought, and laughed at as a solemn mockery: while those engaged in its execution, on the part of Her Majesty, become objects only of derision and contumely.

The most alarming feature of this proceeding appears to us to be the unhesitating acquiescence therein of the "Promotor Publico"—an officer specially appointed to vindicate the supremacy of the laws, and to watch over and maintain their inviolability—which is to be inferred, as well from his not appealing from the sentence of the Justice of the Peace to the jury, as he was entitled, if not bound to do, as from the very terms of his petition against the parties in this case, which, in fact, precluded the slightest chance of a verdict of guilty being returned against some of those whom he pretended to prosecute, or, indeed, against any person not found on board the vessel.

We have often, Sir, remonstrated against the sentence of this Court being made dependent upon that of any other tribunal: the Convention expressly declares that such sentences shall be without appeal. This principle has been fully recognized again and again, and more especially since you have had charge of Her Majesty's affairs at this Court; the executive, in relation to it, has declared *this* to be an exceptional tribunal, without the sphere of the ordinary tribunals of the country; the principle is acted upon, without demur or difficulty, as regards the vessels: whence, then, can a distinction be drawn between the property and individuals? The sentence of this Court suffices for the condemnation of the former; why should it not equally avail for that of the latter?

The opinion of the law-officers of the Crown, as conveyed in the Duke of Wellington's despatch to the British Commissioners, in reply to their inquiries respecting the measure of punishment to be awarded to the infractors of the 1st Article of the Convention of 1826, so far from unsettling, or giving any just ground for doubts on this point, must, we think, be taken, when rightly understood and considered with its context, and with the obvious intention of the parties to that Convention, to confirm the supremacy of the sentences of this Court; leaving, it is true, to the authorities of each country, respectively, to decide to what degree of punishment those found guilty by such sentences are amenable, in conformity with the laws there in force against piracy, but by no means to authorize the reversal of a verdict declaring the act of piracy to have been actually committed.

The question of admissibility to bail, which has again been decided in favour of Boisson, who is at large awaiting the further farce of the sentence of a jury, becomes, under the present view of the case, very secondary; and is, in fact, merged in the main question, which, we trust, you will think it right to bring under the consideration of the Imperial Government with all the earnestness which its importance seems to call for.

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

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

Fourth Enclosure in No. 232.

(Translation.) *Sentence acquitting Persons concerned in the "Asseiceira."*

To the illustrious Justice of the Peace of the First District of Santa Rita.

Thomas B. Hunt, Marshal to the Mixed Brazilian and British Commission, says that he requires a certificate of the tenor of the sentence which was promulgated on the individuals of the brig "*Asseiceira*," declared by the said Mixed Commission to have incurred the penalties of the 1st Article of the Convention of the 23rd of November, 1826; wherefore he requests that you will order the said certificate to be passed.

Rio, April 29, 1841.

Let it be passed.

(Signed) MORA. COELHO.

I, Geraldo José d'Abreu, Clerk *ad interim* to the Justice of the Peace of the First District of Santa Rita, &c., certify that in my possession and registry there exists a certain process of accusation instituted by justice against the criminal João Baptista Boisson, and others acquitted; and that, in the same registry, there exists also a sentence of the following tenor:—

The present proceedings being seen and examined, the criminal, João Baptista Boisson, and others, named in the petition of the "Promotor Publico," are accused as comprehended in the law of the 7th of November, 1831, for having been concerned in the illicit traffic in slaves, for which the brig "*Asseiceira*" was condemned by the Mixed Brazilian and English Commission. From the depositions of the witnesses, at pages 23 to 27, and following, and from the different interrogatories, and other documents thereunto annexed, there is barely to be collected proof that it was João Baptista Boisson who was at the head of the adventure declared to be illegal, seeing that, according to the documents at pages 21, 22, and 23, it is ascertained that he bought goods for the vessel, and from the depositions it is to be inferred that he purchased slaves, while there does not result so much as an indication against all the others accused, and much less against those who were not found on board of the vessel at the time of capture, who defend themselves very well by the complete absence of all proof in regard to them. In conformity thereto, I adjudge the said Boisson to have incurred the penalty of Article 179 of the Criminal Code, combined with the second paragraph of the 2nd Article, and with the 35th Article of the same code, and I commit him to prison. Let the clerk insert his (Boisson's) name in the list of the guilty, and let an order of imprisonment be made out against him, following in this respect what the law enjoins; and in respect to the others accused, José Vieira Pimenta, jun., João Machado Cardozo, João Antonio da Silva Mellão, Wenceslão Joaquim da Silva, João Gomez Machado, João Pedro, José da Costa Ferreira Guimarães, Manoel Ribeiro d'Abreu, João José Pereira, José Bernardino, Manoel Martins Machado, Amancio Nunes, and José Joaquim da Silva Lisboa, I acquit them for want of proofs: let them, therefore, be declared not guilty, and let the order for their release be passed to those who are in custody, intimating this sentence to the "Promotor Publico."

Rio de Janeiro, April 22, 1841.

(Signed) ANTONIO MOREIRA COELHO.

Nothing more was contained and declared in the said sentence, which is herewith well and faithfully transcribed, which I have examined and subscribed with my name.

(Signed) GERALDO JOZE DE ABREU,
Clerk *ad interim*.

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, May 5, 1841.

No. 233.

Viscount Palmerston to Mr. Samo.

SIR,

Foreign Office, August 4, 1841.

HER Majesty has been graciously pleased to appoint you to be Her Majesty's Commissary Judge, in the room of Sir George Jackson, in the Mixed British and Brazilian Commission established at Rio de Janeiro under the Treaty between Great Britain and Brazil of the 23rd November, 1826, for the Abolition of the Slave Trade. It is desirable for Her Majesty's service that

you should lose no time in entering upon your duties as Judge at Rio de Janeiro ; and you will proceed at once and without delay, therefore, to your new post at that place.

The Commission by which Her Majesty has been pleased to appoint you to be Commissary Judge at Rio de Janeiro will be forwarded to the care of Her Majesty's Chargé d'Affaires at the Court of Brazil ; and on your arrival at Rio you will wait upon Mr. Ouseley, who will deliver to you the commission, and will introduce you to Her Majesty's Commissioner of Arbitration and to the Brazilian Functionaries with whom you will have to act. After showing to those Functionaries your commission, and taking in proper form the customary oath, you will proceed to enter upon your duties as Judge. You will strictly follow the line of conduct pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Rio de Janeiro ; and you will attend to such further instructions as may from time to time be transmitted to you from the Secretary of State.

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

I am, &c.
(Signed) PALMERSTON.

(Extract.)

No. 234.

Her Majesty's Commissioners to Viscount Palmerston.

*Rio de Janeiro, May 27, 1841.
(Received August 9.)*

WE have the honour to acknowledge the receipt of your Lordships' Despatch of the 12th of March, 1841, transmitting to us, for our information and guidance, a copy of an instruction addressed by your Lordship to Her Majesty's Chargé d'Affaires at this Court, respecting negroes emancipated by sentence of this Mixed Commission, and desiring that we will facilitate to the utmost of our power the arrangement therein contemplated.

We have already put ourselves in communication with Mr. Ouseley on this subject, and intimated to him our readiness to give every possible effect to this instruction, and to concert with him the necessary arrangements whenever called upon, or so soon as he shall have announced to us his having successfully executed your Lordship's orders on this head ; to which the less objection should be anticipated, as Brazil has herself repeatedly solicited the proposed measure from the British Government.

No. 235.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 11, 1841.

WITH reference to your several Despatches transmitting lists of vessels which arrive at Rio de Janeiro from the coast of Africa, and which sail from Rio de Janeiro for the coast of Africa, I have to instruct you to insert for the future in these lists the rig of vessels, and the name of their masters, as it has been represented to me that information on these two points will add greatly to the means of identifying vessels, when captured by Her Majesty's cruizers on the coast of Africa.

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

I am, &c.
(Signed) PALMERSTON.

No. 236.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 19, 1841.

I REFERRED to Her Majesty's Advocate-General, for his opinion, your Despatches on the subject of a canoe which was captured off Ilha Grande with 47 newly-imported Africans on board by the boats of the Brazilian schooner of war "*Primeiro de Abril*," and I have now to state to you, for your

information and guidance, that the Queen's Advocate has reported it to be his opinion, that the chase of the canoe or launch in question having been commenced and continued, and the capture thereof effected, within the limits of the Brazilian territory, the adjudication of the case belonged properly to the Brazilian courts of law, and not to the Court of Mixed Commission.

I am, &c.

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

(Signed) PALMERSTON.

No. 237.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 26, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of a Despatch which I have this day addressed to Her Majesty's Chargé d'Affaires at Rio de Janeiro, relative to the negroes who may hereafter be captured and brought to that port in foreign vessels.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 237.

Viscount Palmerston to Mr. Ouseley.
August 23, 1841.

(See Class B.)

No. 238.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, June 5, 1841.

(Received September 2.)

MY LORD,

HER Majesty's Chargé d'Affaires has transmitted to us, for our information, the copy of a Note which he has received from the Brazilian Minister for Foreign Affairs, in reply to one which, in pursuance of your Lordship's instructions, he addressed to his Excellency, representing against the observance of holidays by the Mixed Court of Commission.

The failure of this further attempt to obtain the acquiescence of this Government in your Lordship's wishes on this head is matter rather of regret than of surprise to us, especially as we do not understand that a suggestion to propose to the Legislature the alteration of the law, as it now stands, formed any part of Mr. Ouseley's representation. This, however, we feel persuaded, is the only mode by which the desired object can be attained.

When we make the representation against the observance of holidays, amongst other proposed reforms enclosed in our Despatch 30th June, 1838, we appealed to the exception made in the case of juries, who are allowed to hold their sittings on holidays, as a precedent by which this Court might also be regulated: but we were told in reply that this very exception was a legislative act; and that, with that exception, no process whatever before any tribunal in which Brazil had any participation would be valid.

As regards our Brazilian colleagues, however, we are convinced that they would, so soon as such alteration were made, most cheerfully acquiesce in any sacrifice which it might impose upon them.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 239.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, June 28, 1841.**(Received September 2.)*

MY LORD,

REFERRING to our Despatch of 9th January, 1841, we have now the honour to enclose to your Lordship, in original and translation, the definitive sentence of this Court in the case of indemnities claimed for the undue detention of the "*Alexandre*." This sentence was signed on the 23rd instant, and adjudges Commander Smyth to pay the sum of 1054 286 reis, equal at the present rate of exchange to 131*l.* 15*s.* 8*d.*, to the claimants in the cause, with interest of five per cent. per annum until the payment thereof.

This sum being so inconsiderable, we might perhaps be excused from troubling your Lordship with the transmission of the mass of papers which has arisen out of this case; but as an examination of the several incidents which have occurred in the course of it will best demonstrate where alterations in the Mixed Commission, as at present organized, are most desirable, we think it right to forward every document connected with it.

These may be divided into three parts: the first, to Number 8, inclusive, dated 21st November, 1840, forms the first stage of this process, and shows what passed up to the time when, as your Lordship was informed, the Court required proof of the existence of a certain sum of money alleged by the master of the "*Alexandre*" to have been abstracted from on board subsequent to the detention of that vessel.

The second stage comprehends the documents from No. 9 to No. 12, of the 20th March, 1841, both inclusive, and gives the proceedings before the British Judge Conservator, ending in a sentence adverse to the claim of the master of the "*Alexandre*," and the consequent petition on his behalf that this Court would proceed to give final sentence, according to the account presented, admitting or striking out from it the disputed sum, as should appear just.

The third division, down to No. 17, of the 24th May, contains the several requirements of the Court from the claimants, and the replies given by them.

Immediately on the receipt of these the costs of suit were sent to the Accountant-General to be taxed, and no time was lost upon that officer making his report in drawing up the sentence.

It may be proper to add that, on the Despatch, or answer, of the Court to the petition No. 8 being intimated to the parties, they proceeded to summon Mr. Consul Hesketh, as proctor for Commander Smyth, before one of the civil courts, and that that gentleman, not attending sufficiently to the wording of that answer, presented a protest to this Court against any proceeding whatever other than before this Mixed Commission, or by its decree, before the Judge Conservator, requiring the same to be added to the process; but, upon its being explained to him that the words used, "competent authority," could imply no other than the Judge Conservator, the above protest was not filed, and the proctor entered his appearance before the latter.

It is also right to notice that, though the sentence of the Conservatorial Court adjudging the "justification" to have failed, bears date the 14th December, 1840, this commission was not apprised of the same by the Proctor till the date of his petition, No. 9, in the following February, when not a moment was lost in calling upon the claimants to present the required proof, under pain of passing sentence by default.

We have, &c.

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

Enclosure in No. 239.

*Sentence.**Rio de Janeiro, June 28, 1841.*

FROM the present proceedings it is seen that João Gonçalves Leite and Antonio José Marques, master and owners of the Brazilian galliot "*Alexandre*," require to be indemnified for the losses and

damages which resulted from the detention of the said galliot by Her Britannic Majesty's brig-of-war "Grecian," William Smyth commander, such detention having been declared illegal by the sentence of this Mixed Commission of the 10th of September, 1840. The galliot in question coming under the circumstances of that article of the Convention of the 28th of July, 1817 (adopted by that of the 23rd of November, 1826, between Brazil and Great Britain) which stipulates the indemnities for the losses which the subjects of either nation might suffer by the illegal detention of their vessels, there cannot be the slightest doubt of the right which the claimants have to be indemnified—a right which the captor himself, by his proctor, does not deny: the only question, therefore, to be determined is the sum which ought to be awarded to them.

The account presented by the claimants consists of nine items:—The first, amounting to 1 conto 280 milreis, being for freight in perspective only, is inadmissible, in view of the first paragraph of the second part of the Eighth Article of the Regulation annexed to the Convention of 1817, which says—"For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable."

The second, third, and fourth items, by which the petitioners claim to be refunded certain sums of money said to have disappeared from the chest of the master of the galliot "Alexandre," having been rejected by the British Conservatorial Court in this city, before which the claimants petitioned to justify the alleged loss, fall of themselves, by virtue of the same decision.

The fifth item, amounting to 250 milreis, according to the valuation in the first account, or to 323 milreis, mentioned in the account lately presented, cannot be admitted, because, without questioning the "justification" of the expenses incurred at Campos, no document whatever is offered to prove the necessity of the repairs at the moment of the galliot being restored to her owners, while the fact of her having sailed hence for Campos, without any repairs, after having been so restored, militates against such necessity.

The Eighth Article, however, awarding in all cases wherein restitution shall be decreed, a just and complete indemnification; and as it is possible that her hull may have received some damage as well by being towed after capture as by want of care while in the port, the sum of 100 milreis to cover such damage is allowed.

The claim contained in item No. 6, to the amount of 600 milreis, for the deterioration of 600 arrobas of jerk beef, is destroyed by the confession of the claimants themselves, that almost all was sent to the estates, where it was received and given to the slaves, thus proving that the former experienced no loss.

The seventh item, viz., 9 mil 850 reis, is allowed, in view of the first paragraph of the Eighth Article; the full sum of 600 milreis claimed in the eighth item being inadmissible, dependent as it is, not on the strict rule of a just indemnity, but on the will of each respective client.

The ninth item, viz., 1 mil 600 reis, is also allowed, in view of the above-mentioned first paragraph of the Eighth Article.

Besides these sums 18 mil 982 reis is further awarded; that sum, combined with the seventh item, making the whole amount of the costs of suit, taxed by the accountant in these proceedings of indemnity and their appendix, as also a further sum of 200 milreis for the agents in the cause.

The claim of the petitioners is limited to the items above mentioned; even in their last petition they asked no more, but the Commission will not the less fail to award to them the indemnities specified in the second and sixth paragraphs of the Eighth Article, to wit, a demurrage according to the schedule annexed to the above-mentioned article, and an allowance of five per cent. on the amount of capital employed in the purchase of cargo for the period of delay occasioned by the detention.

Such are the principles upon which the indemnities in the present case have been awarded, to which the claimants are entitled for the losses suffered by the illegal detention, and which are comprised in the second part of the Eighth Article of the Regulations of this Mixed Commission, the case not being one of total loss, to wit:—

For the damage which the vessel may have suffered in her hull, by being towed after capture, or from want of care during the time of her detention in this port	100 000
Costs of suit, and transcript of passport and other documents, the originals of which were delivered up	30 382
For the agents in the cause	200 000
Amount of demurrage from the time of the detention of the galliot, <i>i. e.</i> 2nd of September, 1840, when she was captured, to the 17th of the same month, when she was given up to her owners, 16 days, and 2 days additional, to enable her to prepare for a fresh voyage, in all 18 days, at 5 <i>l.</i> sterling per day, at the exchange of 30 <i>d.</i> to 1000 reis	720 000
An allowance of five per cent. on 1 760,000 reis, value of 600 arrobas of jerk beef, shipped in the same galliot, from the 2nd of September, 1840, to the 17th of the same month, 16 days	3 904
	Reis 1054 286

In virtue, then, of what has been set forth, of what appears in the present proceedings, and of the stipulations of the aforesaid Convention, the Commissary Judges condemn the captor of the galliot "Alexandre," William Smyth, commander of Her Britannic Majesty's brig-of-war "Grecian," to pay to the claimants the sum of 1 conto 54 mil 286 reis, besides the interest of five per cent. per annum on this sum for whatever time may elapse, until final payment, in conformity to the seventh paragraph of the second part of the Eighth Article of the Regulation of this Commission.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEORGE JACKSON.

(A true Copy.) (Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Proceedings before the Court.—First Stage.

No. 1.

Rio de Janeiro, September 12, 1840.

Most Illustrious Members of the Mixed Brazilian
and British Commission,

You, Gentlemen, having ordered by your respectable sentence the galliot "*Alexandre*" to be released and delivered to her owners, declaring her to be a bad prize, the petitioner comes forward to claim indemnities, losses, and the damages which he sustained by that act, to be paid for the whole, according to the said decision, by the authors of the capture, or by the British Government responsible for them, which claims are due to him under the sentence. And that the captors may not allege ignorance thereof, the petitioner presents the protest made on board, and requires that the same be ratified, in order that the said indemnities be assigned to him, and intimated, if necessary, to whom it may concern.

(Signed) As Attorney for JOAO GONÇALVES LEITE,
J. M. PEREIRA DA SILVA.

*Answer of the Court to the above.**Rio de Janeiro, September 12, 1840.*

LET the accounts of the indemnities claimed be presented, duly legalized, in order to their following their ulterior course, and let the prize master, Thomas Woodgate, be informed hereof for his information.

(Signed) CARNEIRO.
G. JACKSON.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 2.

I, THE undersigned, master of the national galliot "*Alexandre*," declare, That having sailed from this capital for Campos, on the 1st day of September, on the second day, between 10 and 11 o'clock in the morning, I was visited, off Ponte Negra, by the English brig "*Grecian*," Commander Smyth, and all my papers examined, who ordered his people to overhaul the cargo in the hold, and to go with a light, examining in all quarters, and not trusting in the papers which I showed to him, and with them the despatches of the cargo which I have shipped, he opened my manifest, and committed other improprieties, or ordered them to be committed by his next in command, going to my chest, and throwing out whatever he found in it, as also to that of my boatswain, in order to see whether there were any false papers; and at the same time he ordered the national flag to be hauled down, and the British pendant and ensign to be hoisted, and saying his course is for Rio de Janeiro, being at the distance of 6 leagues or more from this bar. I think, Gentlemen, that this is treating our flag contemptuously, and without regard to the prejudice he was causing us; and therefore I beg of you to judge and act, so that I may suffer neither losses nor damages, but that you will consider only the injury which he does to me and to my shippers who have embarked their goods, which fact I prove, with all my crew, and not only with them but with the register of the visit boat, which can justify it still better, if requisite.

(Signed) JOAO GONÇALVES LEITE.
ANTONIO GONÇALVES LEITE,
Boatswain.

And the Crew.

I further declare, the crew of the galliot having testified, by their signatures, to the truth of what occurred, that, in my capacity of master, I hereby protest against the commander of the capturing brig, and against all others concerned, in my name and in the names of those interested in the galliot, and in her cargo, by the fact of it being an illegal and monstrous capture, and for all damages caused and to be caused, and for every other damage and loss, as also for moneys and indemnities resulting therefrom—all being to be paid by that commander, or by whomsoever may be responsible for him, and for whatever else may be due to us, for which we appeal to all tribunals and governments.

Done on board the 2nd of September, 1840.

(Signed) JOAO GONÇALVES LEITE.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 3.

Rio de Janeiro, October 1, 1840.

Most Illustrious Members of the Mixed Brazilian
and English Commission,

DON JOAO MANOEL PEREIRA DA SILVA comes before you, as proctor for João Gonçalves Leite, and Antonio José Marques, the master and the owner of the Brazilian galliot "*Alexandre*," to present their accounts of losses, indemnities, and damages which they suffered by the unjust capture and illegal detention of said galliot, made by the commander of the capturing brig; he being himself responsible, or his government for him.

The accounts presented are sufficiently explained with their vouchers; there can be no difficulty, therefore, on the part of this tribunal, in considering them valid, and in condemning the capturing commander, whose act caused such losses in the amount.

If, however, which is not expected, the opposite party should endeavour to impugn any item, we at once claim to see the objection, in order to support such item, and to show its validity, in case the Commission should want proof of its correctness.

The petition of claim for indemnities having been filed, you are requested to direct that these papers be added thereto, in order that the question may be decided with all possible despatch, to the advantage alike of the captor and of the owners of the galliot, and that the latter be paid that which is due to them.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

Answer of the Court to the above.

Rio de Janeiro, October 5, 1841.

LET the petitioner, before any thing else, prove that the money in question was on board of the vessel, seeing that they did not make it known in the act of the detention.

(Signed) CARNEIRO.
G. JACKSON.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 4.

Rio de Janeiro, September 17, 1840.

ACCOUNT of the Losses suffered by the galliot "Alexandre," which sailed for Campos on the 1st of the present month, and was captured on the following day by the English brig-of-war "Grecian:"—

By the delay in this port she lost a voyage; and as there are vessels that sailed with her, went there, and are now already in this port about to sail a second time, therefore the said galliot ought to receive the freight of one voyage as well as demurrage for some days more, with a view to the delivery of her papers, as well as interest accruing until the actual payment.

Freight of a voyage which, during this time, the galliot might have made, according to what she usually brings to this port, 120 cases, at 10 000 rs., and 10 pipes, at 8 000 rs. 1280 000

Money in notes belonging to the master, which he had in his chest, and which is missing 54 000

Forty-nine Spanish dollars, belonging to the master, purchased here at 1 750 each 86 750

Money which the master was taking to be delivered, together with a letter to Mel. José Marques, as is shown by receipts in the clearances of the vessels "D. Paul" galliot, and another 800 000

Caulker and carpenter for their valuation on account of the vessel's decks not being washed, and her having been shaken in her bows by the towing 250 000

Loss on 600 arrobas of jerked beef, which I shipped, to be delivered to sundry persons, as I shall show by documents which I shall send for to Campos, as to the price at that time; this being an article liable to spoil 600 000

Cost of the sentence paid by me 9 850

Expences which have been caused by the capture of the galliot, in defending the same, and other small expenses 600 000

For copies of documents paid by me to the Secretary of the Commission 1 600

Reis 3682 200

Total—Three contos six hundred and eighty-two mil and two hundred reis.

(Signed) ANTONIO JOZE MARQUES.
JOAO GONÇALVES LEITE.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 5.

Rio de Janeiro, September 21, 1840.

I, THE undersigned (certify) that it is true that I sold to Senhor João Glz. Leite 50 Spanish dollars at 1 750 each, and a certificate of the same being required, I passed the present.

(Signed) MEL. GOMES VIRA. GUIM.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 6.

Rio de Janeiro, September 19, 1840.

WE, the undersigned, master caulkers and carpenters, attest and swear on the Holy Evangelists, if it were necessary, that being called by Senhor João Gonçalves Leite, master of the galliot "Alexandre," to see the state in which the said vessel is, and to value the work which is necessary, we find the vessel much shaken in the caulking in consequence of no care having been taken of her during the bad weather whilst she was under the English flag, and also shaken forwards by reason of the great strain by towing, and we think 250 milreis necessary for this repair of caulker, carpenter, oakum, and pitch.

In faith of which we pass the present.

(Signed) DOMINGOS GLZ. BANDEIRA, *Master Caulk r.*
BERNARDINO JOZE DE AMORIM, *Master Carpenter.*

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, October 12, 1840.

Illustrious Commissary Judges of the Mixed Commission.

THE following are the reasons alleged before this Commission to prove that the sum of 3682 200 rs. which is demanded for the detention by Captain Smyth, of Her Britannic Majesty's brig "Grecian," of the galliot "*Alexandre*," is excessive and unjust.

But before entering on the analysis of the nine items of which the said sum is composed, it is necessary to observe that that detention was occasioned by the circumstance of empty casks being found on board without being manifested; and though it be decided that this is the practice in the coasting trade, yet this cannot regulate on the high sea, outside of a port, the commanders of cruizers, who can only guide themselves by facts; who are moreover unable to know coasting vessels, it being at the same time notorious that some of these same vessels are found employed in the illicit commerce of slaves.

Under this view of the case, and the sentence of this Commission not having referred to indemnities, the captain of the "Grecian" yet hopes that the manner in which the empty casks were carried will have great weight with the illustrious Judges in the consideration of the claims of the owners of the galliot "*Alexandre*."

By turning to the account given by the claimants, the first item being 1280 000 rs., refers to a freight not gained or even contracted for, but only in perspective, which might or might not be realised, and which could not be realised without expenses.

It being also right to note, that it can be proved that the aforesaid vessel in voyages from Campos to Rio de Janeiro never made more than from 300 000 to 400 000 rs. nett freight.

The 8th article of the Regulations annexed to the Additional Convention of the 28th of July, 1817, says, with respect to "other cases not of total loss, the claimant, or claimants, shall be indemnified; 1st. for all *special damages and expenses* occasioned to the ship by the detention, and for loss of freight, *when due or payable*." But the freight from Campos, which is demanded as lost, was neither due nor was ever owing.

The 2nd, 3rd, and 4th items, amounting to 940 750 rs., consist of sums of money which it is said were taken from the master of the "*Alexandre*," or which he says he lost.

The annexed declarations, Nos. 1 and 2, prove that search was made, and that no money was found on board, and that the same master declared that he had none.

The master signed a list of the papers which he delivered to the officer of the "Grecian," receiving from him (the officer) a copy of the same; and when he was before the Mixed Commission, and after having had charge of his own baggage for more than two days, as is proved by the declaration No. 3, the said master never declared having missed such money.

As to the fact of the money being on board, this was denied by the master himself, and as much credit at least ought to be given to the declarations of the officers as to those of the master.

As to the alleged case of the master of the galliot having had this money concealed on board, and having brought it himself on shore, there is no impossibility whatever.

But what shows it to be a very suspicious circumstance is, that the master neither mentioned such loss when he came into the port, nor when he presented himself before this Commission.

The 5th item, 250 000 rs., not being for work done, because the galliot sailed again without such work having been done, but only an estimate, which does not prove the existence of the damage in the bow of the galliot, when considering the valuation of the caulker, this damage ought to be very great compared with the cost of caulking the brig "Grecian," which was 120 000 rs.

There is moreover an annexed certificate, No. 4, of the officer charged with the navigation of the galliot when she returned to this port.

The 6th item is 600 000 rs., proceeding from the damage of a portion of jerked beef, which was and remained in the hold of the galliot

It is difficult to believe such damage, when it is known that the said jerked beef remained in the galliot when she sailed. But at least such damage ought to be proved by a document, which does not appear, and for this reason this item ought to be rejected.

The 7th and 9th items, amounting to 11 450 rs., appears to be special expenses, and as such justly due.

But the 8th item, amounting to 600 000 rs., although it is pretended to be of the same nature, is in the first place an exorbitant expense, and in the second very extraordinary, and without documents to prove or justify it, and therefore ought for this reason to be rejected.

Thus the inadmissible items amount to 3670 750 rs., there remaining only 11 450 rs., and adding to this sum that which is stipulated in the regulations above referred to, which is 5*l.* per day from the 2nd to the 9th of September, the day on which the captor desisted from further proceedings, makes at the exchange of 30*d.*, per milrea, in all 331 450 rs., which appears to be the most which on a just consideration of the circumstances and facts of this case can be allowed as an indemnification for the delay of the galliot "*Alexandre*."

(Signed) ROBERT HESKETH.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Copy.—(A.)

In reference to the claim made by the parties concerned in the Brazilian galliot "*Alexandre*," I declare that search was made in every part of the vessel, and in the trunks, boxes, and lockers, and all secret places, IN MY PRESENCE, for the express purpose of finding out if there was any money of any description in the vessel; all that was found amounted to 2 or 3 milreis, a dollar, and a few copper coin, and the master declared that he had no money of any kind on board. I further declare that all letters and papers taken from him by myself, or any other person or officer belonging to the "Grecian," were laid before the Mixed Commission Court.

Given under my hand on board the "Grecian," this 3rd of October, 1840.

(Signed)

WM. SMYTH, *Commander.*

Copy.—(B.)

WE, the undersigned, declare, that acting under orders from Commander William Smyth, of Her Majesty's sloop "Grecian," did on the 2nd of September last search the boxes of the master, mate, and passengers of the Brazilian galliot "Alexandre," expressly to ascertain if any quantity of money was on board, and we positively assert we could find only 2 or 3 milreis in the box belonging to the passenger, also 1 dollar, and a small sum in copper coin in the box of the master.

We moreover declare this duty was performed in the presence of Commander William Smyth, the master, and others belonging to the galliot, and that the master expressly stated that there was no money of any description on board.

Given on board the "Grecian" this 3rd of October, 1840.

(Signed)

CHAS. P. WADE, *Lieutenant.*
W. B. PEARSE, *Master.*

Copy.—(C.)

WE, the undersigned, in charge of the galliot "Alexandre," during the time of her adjudication before the Mixed Commission Court, hereby declare that the master of the vessel had free access to the cabin; and that during his absence the cabin door was locked, and no one permitted to enter except for provisions, on which occasions several of the crew were always present.

Given under our hands on board the "Grecian" this 3rd of October, 1840.

(Signed)

THOMAS WOODGATE, *Lieutenant in charge.*
JOHN DURSTON, *Corporal in charge during the absence of Lieutenant Woodgate.*

Copy.—(D.)

I, THE undersigned, positively declare in reference to the damage alleged to have been suffered in the galliot "Alexandre," that the said vessel could not possibly have suffered any damage by towing or otherwise, the water being perfectly smooth, and a fair wind on the 2nd of September, the day of his detention, and the master of the galliot never made any remark that his vessel was injured or damaged in any way.

Given under my hand on board the "Grecian" this 3rd of October, 1840.

(Signed)

W. B. PEARSE, *Master in charge of the "Alexandre" during the time she was towed by the "Grecian."*

No. 8.

Rio de Janeiro, November 20, 1840.

Illustrious Gentlemen, Members, Judges of the Mixed British and Brazilian Commission.

JOAO GONCALVES LEITE says that you, Gentlemen, having by your Despatch ordered that the petitioner should prove the existence of the money which he claims as lost on board of the galliot "Alexandre," and the claimant wishing to do so immediately as he has just returned from Campos, comes before you, Gentlemen, to beg that you will admit him to justify such existence by witnesses in your presence, naming the day and the hour for them to appear, as the documents which he had are already annexed to the accounts of the indemnities claimed.

(Signed)

JOAO GONÇALVES LEITE.

Answer of the Court to the above.

Rio de Janeiro, November 21, 1840.

THE petitioner must justify it before the competent authority, the captor's proctor being present.

(Signed)

CARNEIRO.
GEO. JACKSON.

(A true Translation.)
(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Stage.

No. 9.

Rio de Janeiro, February 6, 1841.

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

ROBERT HESKETH, proctor of Commander Smyth, in the suit respecting the detention of the galliot "Alexandre," now before this Commission since the 3rd of September, 1840, says, that he, the proctor, was cited on the 3rd of this present month of February, to name an advocate in a suit instituted by the parties interested in the said galliot, respecting a "justification," directed by this Commission with regard to certain claims, and since the justifier, the master of the said galliot, has been unable to prove what he pretended, and since five months have already elapsed since this suit has been before you, Gentlemen, which it is further attempted to prolong before tribunals foreign to this Mixed Commission.

He therefore requires you, Gentlemen, to close the proceedings in the case of the said galliot.

Answer of the Court to the above.

Rio de Janeiro, February 6, 1841.

LET it be intimated to the petitioner's proctor, in satisfaction of the Despatch of the 21st of November of last year, to present the required "justification" by Friday the 12th instant, this suit having continued for months, under pain of judgment being given by default.

(Signed) SOUZA.
G. JACKSON.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 10.

Rio de Janeiro, February 12, 1841.

To the Illustrious Members of the Mixed Brazilian and English Commission.

I WAS summoned some days ago, in my character of proctor of the owner and master of the galliot "*Alexandre*," to present what I had to allege within the space of four days, in the suit of the indemnities which are demanded of the Captor of that galliot, whose proctor is the British Consul, in whose name the petition was made, asserting that more than forty days had passed without any progress being made in the suit by my clients, who were instituting causes before an incompetent tribunal.

At first sight, such and so extravagant a petition of the Consul, who is so anxious to conclude this business, would be deserving, if not of ridicule, at least of immediate rejection; that gentleman appears to be afraid of proofs which may be presented, and, cautious as he is, takes preventive remedies to oppose to them. The Commission, however, not having the pecuniary interests of the Consul, has not to satisfy him, but justice.

We asked for indemnities, and what did the Commission direct? that we should justify, before the competent tribunal, the shipment of the money, &c., on board. We commenced, therefore, a justificatory suit before the British Conservator, and this suit has not yet had a definitive sentence; we having on our part alleged what we thought right, and the Consul himself, who now affects such ignorance, having named an advocate to plead for him there, so much so that the "Autos" are at this moment detained in the hands of his advocate, Dr. Bulhoes Ribeiro.

How then have we commenced causes out of the competent tribunal? Is the British Consul ignorant that the only competent tribunal for such justification ordered by the Commission is the Conservatorial Court?

More than forty days, says the Consul, have elapsed;—and what signifies? In what law, in what usage, in what practice, did the Consul, turned advocate, find that the right of carrying on a suit was lost by its being delayed on the part of the promoter of the same—we will not say forty days only—but one, two, or three years? Who was the advocate that led him thus astray? No one certainly. This is from the Consul's own head. This is the offspring of his intelligence.

I am, therefore, entitled to say, that such a pretension on the part of the consul, who is the agent of a nation that prides itself so much on its justice, is puerile, irregular, illegal, and miserable, and consequently, I may say, that, not having yet concluded the justificatory suit commenced before the Conservatorial Court, owing to the delays and procrastinations which all the world knows exist in civil suits in Brazil, in consequence of the course which it is necessary to follow, I have not yet applied to the Mixed Commission to close the suit for indemnities, which I there instituted on the part of my clients; and so soon as a final sentence shall be given by the Judge Conservator, I will appear for the purpose of continuing my suit for the proper indemnities, nor can I lose my right, guaranteed to me by law, for such futile reasons as those of the British Consul, it behoving this tribunal to wait for that which itself ordered should be done, and which is doing, but which does not suit the British Consul.

I have thus sufficiently replied to the above-mentioned summons, preserving and protesting for my right to continue the indemnity suit before this tribunal, when the justificatory one before the English Conservatorial Court shall be definitively concluded. The proof before the one being very useful to me with a view to the other, and because this same tribunal, having so ordered, cannot now recede from its decisions.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

Answer of the Court to the above.

Rio de Janeiro February 13, 1841.

LET the Captor's proctor state in reply, whether the justificatory "Autos" are in fact detained in the hands of his advocate, as is here alleged, and if so, let him declare the cause thereof to enable the Commission to determine.

(Signed) SOUZA.
G. JACKSON.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 11.

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

Rio de Janeiro, March 20, 1841.

IN satisfaction of the Despatch of the 13th of February last, directing me to reply whether the Justificatory Autos were in fact detained in the hands of my advocate, I have to answer, Gentlemen, that it is true that the same are actually before my advocate for the purpose of contesting the embar-

goes which my opponent offered to the sentence which was given against him in the British Conservatorial Court; but this very circumstance it was which induced me to present my petition of the 6th of February last to the Commission, for the reasons which I now proceed to explain.

My opponent having prayed to prove, before the Conservatorial Court, that a certain sum of money had been abstracted from on board the galliot "*Alexandre*," during her detention, in order to file his claim against the captor, a sentence was given against him; and he, embargoing the same, alleged in his embargoes that he did not pretend to prove the abstraction of the money during the detention and capture, in consequence of which I supposed that he would stop, and not press the claim further, or that otherwise such suit was resorted to by him as a means of palliation.

Under these circumstances, and observing that the instructions annexed to the Convention of the 28th of July, 1817, and which equally serve as a rule to this Commission, according to the Fourth Article of the 23rd of April (November), 1826, declare that the proceedings shall be summary, whether with regard to the legality of the capture, or to the indemnities; and that the final sentence shall in no case exceed two months, whereas a much longer period than this has elapsed since the commencement of the suit of the galliot "*Alexandre*." Such were my reasons for my representation to the Commission; reasons which appear to me sufficiently to justify my petition, and which at the same time annihilate the subject-matter of the uncivil and little-attentive reply of the proctor of the claimants.

(Signed) ROBERT HESKETH.

A document accompanies this.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

(Duplicate.)

To the Most Illustrious the Judge Conservator
of the English.

Rio de Janeiro, February 20, 1841.

ROBERT HESKETH, English Consul, says, on behalf of William Smyth, commander of the English brig of war "*Grecian*," that from among the documents of justification of João Gonçalves Leite, master of the galliot "*Alexandre*," passed before this tribunal, he requires a certificate of the tenor of the sentence against the aforesaid master, as also that of the first, second, and tenth Articles of the Embargoes presented by him against the said sentence.

Let what is in proof be passed.

(Signed) LISBOA.

Rio de Janeiro, December 14, 1840.

I, LUIZ ANTONIO DA SILVA ARANJO, holding for life the office of Clerk of the British Conservatorial Court in this city and province of Rio de Janeiro, by favour of his Imperial Majesty, &c., certify that in the records of the said office, in my possession, there are the Acts of Justification between the parties on the one part as plaintiff, João Gonçalves Leite, and on the other as defendant, William Smyth, commander of the English brig of war "*Grecian*," represented by his consul, Robert Hesketh; referring to which, according to the petition, there is the sentence of which a certificate is required, and of the form, mode, and manner following:—I adjudge the justification to have failed, inasmuch as the applicant having undertaken to substantiate by his petition the abstraction from on board the galliot "*Alexandre*" of the sum of 800 milreis, in notes, belonging to Antonio Jozé Marques, of this capital, on behalf of his brother, Manoel Jozé Marques, of Campos, as also of 49 patacoens and of 54 milreis, belonging to the petitioner himself, such loss or embezzlement is not sufficiently substantiated by the depositions, since the first witness swears only to having seen a sealed letter, the superscription of which declares that it contains the sum of 800 milreis for Manoel Jozé Marques, at Campos, but he did not see the money said to be remitted to Campos, nor was he present when it was counted. The witness, clerk to Antonio Jozé Marques, was present at the counting of the sum of 800 milreis, in notes, ashore, but he does not swear to the loss of the same from on board, except on hearsay.

The third and fourth witnesses merely swear to having seen and been present at the transaction of the 50 milreis, or of the 50 patacoens, and they do not swear circumstantially to the loss of this sum, or to that of the 80 milreis, in notes; thus affording no clear proof of the loss, it being remarkable that among these documents there does not exist the corresponding pass of the money remitted, as is indispensable according to the custom-house regulations of the 22d July, 1832; it being also observable that no legal survey was had on the chests which are represented as having been broken open. I adjudge, therefore, this justification to have failed, and that the petitioner pay the costs.

(Signed) NICOLAO DA SILVA LISBOA.

Embargoes.

JOAO GONÇALVES LEITE, offering these embargoes, will prove, first, that the sentence embargoed is contrary to the statement in the petition and to the declaration of the witnesses, inasmuch as that which it was intended to prove in this Court is that the party offering the embargo received this money and put it on board of the galliot, which is evidently proved by the depositions of the witnesses.

Secondly.—That the sentence embargoed turned entirely on the loss of said money from on board of the ship, which was not deemed to be proved; and it is therefore just that this part of the sentence be reversed, the shipment on board of the money being proved, although these proceedings do not contain full proof of its disappearance on occasion of the capture, which was not then the matter to be proved.

Thirdly.—That the non-appearance of the "*Guia*" of the money remitted, as the sentence declares, in conformity with the regulations of the custom-house, does not at all strengthen the said sentence, inasmuch as he will prove—

Fourthly.—That these regulations apply to money which is exported to foreign ports, and upon

which the respective duties are to be paid, and not to money going from one port to another in Brazil, and still less to that which is remitted in the coasting trade to any part of the same province, and that it is not even the practice to enter such at the custom-house; and—

Fifthly.—He will moreover prove that it would be dangerous, and very dangerous even, to declare, at the custom-house or elsewhere, that the master of a coasting-vessel has money to be delivered, inasmuch as he would risk the being robbed on the voyage, as has repeatedly happened, and it is for this reason that money is received and kept in silence, and that it is not made known to the crew.

Sixthly.—He will prove that so fully is this shipment of the money proved, that the deposition of the first witness agrees remarkably with that of the second, seeing that the former, the mate of the galliot, was the person who received from the master the letter from Antonio José Marques, and the patacoens to take care of, he being a trustworthy person; and he saw on the address of the letter the declaration that 800 milreis were sent with it, and the patacoens appeared to him to be some 50 in number, whilst the second witness, who is the clerk to Antonio José Marques, affirms that it was he who counted the money, who enclosed it in the letter, wrote the direction, and made the declaration which the mate found; the whole thus agreeing in every point: and—

Seventhly.—He will also prove, in respect to the patacoens, that their being on board is abundantly proved, inasmuch as the third witness declares that he it was who sold them at 1750 reis. The fourth witness was present at the sale, and saw the delivery of the patacoens, and the first witness received them on board from the hand of the master, and kept them in the cabin.

Eighthly.—He will prove that it is not intended to invalidate the basis of the *corpus delicti* on the delivery of the ship, spoken of at the end of the sentence embargoed, because the object is not now to prove whether the money were or were not lost from on board in the act of the capture, but, and solely, that such moneys were shipped. This will be proved at another time and place.

Ninthly.—He will prove that, seeing what has been set forth, the embargoed sentence cannot stand, and must be reversed; to which end he will also prove that the person offering the embargo is respectable, and incapable of seeking at law what is not due to him.

Tenthly.—He will prove that the present embargoes ought to be received and definitively adjudged to be proven, for the purpose of declaring in a new sentence, abrogating that which is embargoed, that the shipment of the money on board is substantiated and proved, without reference to its abstraction, which is not now the question; and that the person who offered the embargo be condemned in costs. He requires reception, necessary protests, and costs.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

Nothing further is contained in the said sentence and in the embargoes to the same, the whole being set forth in the above-mentioned proceedings, of which I have caused a certified copy to be taken by a trustworthy person, and have found the same to agree in every respect with the original; in faith of which I have subscribed and signed the same in this very loyal and heroic city of St. Sebastian, capital of Brazil, on the 20th day of the month of February, in the year of our Lord 1841; and I, Luiz Antonio da Silva Aranjó, sign the same.

(Signed) LUIS ANT^o. DA SA^a. ARANJO.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 12.

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

Rio de Janeiro, March 20, 1841.

JOAO GONÇALVES LEITE, master of the galliot "*Alexandre*," says, that having to justify before the English Conservatorial Court the existence, and the disappearance from, on board of a sum of money at the moment of her capture, and as this money, as is the usage in the coasting-trade, was not despatched nor declared, although its being on board of the galliot was certain, the petitioner cannot, however, prove it as the law requires, and therefore the Judge Conservator did not admit the justification as proven; in consequence the petitioner re-appears to beg you, gentlemen, to proceed in the trial of the indemnities which are due to the petitioner, and which he required from you agreeably to the accounts presented, taking as proved or not this sum, and striking it out or including it, as you shall judge to be just.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

The petitioner adds to this a document the better to appreciate the loss which he suffered, in 600 arrobas of jerked beef, for which, in his account, he asks to be indemnified.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Campos dos Goytacazes, October 8, 1841.

We, the undersigned merchants in this city of Campos, attest that during the entire month of September of the present year jerked beef (*carne seca*), of good quality, was sold in this city at Rs. 3840 per arroba. The 600 arrobas of beef, however, belonging to Gabriel Gl^z. Pereira, Theodoro d'Alm^{da}. Moreira, Manoel Antonio Ferr^{des}. Braga, and Antonio Joa^m. Ribeiro Meirelles, which were taken in the galliot "*Alexandre*," and which those persons received here on the 4th of the present month, having now become in a very bad state, are not likely to fetch more than Rs. 1200.

The above is the truth, which we will attest on oath if necessary.

(Signed) MANOEL FRAN^{co}. DE CARVALHO.
BENTO JOZE FERNANDES E SA^a.
FRANC^o. DE PAULA DA SA^a. PACHECO.
CUSTODIO JOZE COELHO DE ALM^{da}.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Third Stage.

No. 13.

Rio de Janeiro, March 27, 1841.

THE claimants must prove:—

1st. That the carpenters and caulkers' work spoken of in the fifth item of their account for the repairs of the galliot in question was actually done, because the document presented by them is simply a valuation which can stand good for nothing.

2nd. The price at which they bought the beef spoken of in the sixth item, and that for which it was sold at Campos, since the document which they also offer in this respect treats only of a calculation of the price which it might have fetched, and not of that for which it was in fact sold.

3rd. They must present an authentic and detailed account of the amount of the 8th item, and not as a whole, as claimed in that account.

(Signed) CARNEIRO.
G. JACKSON.

March 29, 1841.

In addition to the above despatch the claimants must declare, besides the price for which the beef was sold, the number of arrobas which were actually shipped, and all this, at the latest, within 30 days.

(Signed) CARNEIRO.
GEORGE JACKSON.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 14.

Rio de Janeiro, April 27, 1841.

To the Illustrious Members of the Mixed Brazilian and English Commission.

DOR. JOAO MANOEL PEREIRA DA SILVA, proctor of the master and proprietor of the Brazilian galliot "Alexandre," João Gonçalves Leite, has to declare to you, Gentlemen, that the month granted by the Court to present certain documents having expired, he is unable to present the same, because the aforesaid master has not yet arrived from Campos, whither he proceeded on the 14th of March, and who was charged as the most proper person to bring them.

Wherefore he requests of you to prolong the term till the arrival of the said master from Campos.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

*Answer of the Court to the above.**Rio de Janeiro, April 28, 1841.*

It being expedient to close with the least possible delay the judgment of the indemnities, and there being a regular communication by steam between this port and Campos, the petitioner is allowed till the arrival of his client, or at the latest, in default thereof, 20 days from this date.

(Signed) CARNEIRO.
G. JACKSON.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 15.

Rio de Janeiro, May 17, 1841.

To the Members of the Mixed Brazilian and English Commission.

THE time marked by you, Gentlemen, for presenting the final accounts has expired and my client, João Gonçalves Leite, master of the Brazilian galliot "Alexandre," arrived with them yesterday, the 16th instant, to be laid before you.

By No. 1 you will see that the expense claimed, that is to say the sum asked for repairs, &c., was less than the real expense by rs. 73,080, inasmuch as I claimed only the sum of rs. 250,000, whereas the accounts show an expense of rs. 323,080. This justification is legal. The public prosecutor was cited for it, and consequently it ought to be attended to, as that was the channel marked by the law, and the public prosecutor appeared, there being no English authority there.

By documents Nos. 2, 3, and 4, the prices at which the beef was bought here are proved; and it is not possible to present documents as to the price for which it was sold in Campos, because but a very small portion of it was sold in retail and at different prices, and almost the whole was sent to the estates, where it was received, and given to the slaves; the difference in the price of 1 000 per arroba claimed in the account, does not therefore appear to be too much, and upon this point a document already exists in the autos.

The document No. 5 proves the judicial expenses incurred, that is my fee as advocate, a gratification to the individual who receives and carries the despatches, and some small expenses that are always made, either in the one or the other case, it being impossible to go into its minor details, that are not being customary. The requirements that the Commission ordered are consequently satisfied, and I have only to ask for the speedy conclusion of this case, and an increase in the item of the repairs of the galliot in the sum of rs. 73,080, and rs. 5760 in the judicial expenses of justification, seal, and legalisation of it, as is seen.

(Signed)

JOAO MANOEL PEREIRA DA SILVA,
Proctor.

RIO DE JANEIRO.

*Answer of the Court to the above.**Rio de Janeiro, May 18, 1841.*

LET it be added to the autos.

(Signed) CARNEIRO.
G. JACKSON.(A true translation.)
(Signed)JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 16.

Rio de Janeiro, May 19, 1841.

It being impossible to examine the account of the indemnities respecting the costs of the process, by the document No. 5, offered by the proctor of the proprietors of the galliot "*Alexandre*," it is necessary that the said proctor present by the 24th of the present month a circumstantial account of the whole, in order to its being remitted to the accountant-general for him to allow what by law is due; and the proctor must likewise show by an authentic document the day on which the vessel was delivered to its owners: let this be intimated to him.

(Signed) CARNEIRO.
G. JACKSON.(A true translation.)
(Signed)JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 17.

Rio de Janeiro, May 24, 1841.

To the Illustrious Members of the Mixed Brazilian and English Commission.

You, Gentlemen, having required finally two documents, the one respecting the day on which the vessel was delivered up, which is annexed to this petition, and the other a detailed account of the judicial expenses of the galliot "*Alexandre*," I have to reply that it is my custom to make an agreement for such causes as I take in hand at a certain price, and that this, which I also undertook, was settled for the sum specified in the receipt which I gave, and which is in your possession; adding that the petty expenses included in my account, as is shown by that receipt, are such that it is impossible to give a circumstantial account of them, it being observable that you well know, Gentlemen, that it is not usual to pay judicial expenses according to the legal tariff, but as everybody does who wishes to be well served, and we have had to draw out certificates, &c., which are sometimes required with all haste.

Be pleased then, Gentlemen, to settle this question promptly, and let there be an end to your continual demands, taking such steps as you shall think necessary to finish with the claim of indemnities, which appears to be almost indefinitely prolonged.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

(A true translation.)
(Signed)JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 240.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, June 30, 1841.**(Received September 2.)*

MY LORD,

WE have the honour to inform your Lordship that Commander Smyth, of Her Majesty's brig "*Grecian*," brought into Court, on the 7th instant, the papers of a Brazilian patacho, called the "*Castro*," which he had detained on the 1st of the month, in a small creek called "*Armação*," in the bay of St. Ann's, between this port and Campos, on suspicion of her being engaged in the Slave Trade.

No time was lost in going into this case: the first examination was taken on the 9th, and the proceedings closed by a sentence of restitution, signed by the two Commissary Judges on the 25th; and we have the honour to transmit to your Lordship herewith the declarations and affidavit of Commander Smyth, the sentence of the Court in original and translation, and our report of the case, by which your Lordship will perceive that this detention was practised, not merely in violation of the second article of the Instructions, but really on very insufficient grounds.

The most plausible ground of suspicion against the "*Castro*" was the statement elicited in the examination of the master and pilot, that her owner, when at Rio de Janeiro, was a guest of a notorious slave-dealer, Manoel Pinto da Fonseca, which, connected with the fact mentioned as "circumstantial evidence" in Commander Smyth's declaration, that the bark captured by him

just before in the same spot was owned by that individual, might not un-naturally lead to a presumption that the patacho was, in some way or other, connected with that bark; and under this presumption it would be to be regretted that the captor, instead of at once detaining the former, should not have stood off beyond the range contemplated in the second article of his Instructions, and there watched her movements; when, if his suspicions were realized, he might have made a profitable and unobjectionable capture. As it is, the detention has produced a great outcry; the more so, as some respectable and perfectly innocent persons have been put thereby to much inconvenience, and there appearing nothing whatever to justify it, the act has prejudiced rather than favoured our cause; nor have our opponents failed to make ample use of those parts of the captor's declaration where he speaks of the 35 volumes as indicating slave-traffic in the case of a vessel leaving this port for another on this coast, such memorandum being literally confined to an entry in the book, where the goods he took on board, and the names of their respective owners, are noted down, of 35 volumes, great and small, from Señor ———, and where again he offers a small iron taken from a shoemaker, and obviously used in that craft, as a corroborative proof of the existence of such traffic.

With regard to the observation with which the declaration terminates, that no letters directed to Campos were found on board, it is only necessary to notice the fact, that with that port there is a regular steam communication, whereas with Caravellas, for which place so many letters were found, no such communication exists.

Your Lordship will observe that the captor's proctor, in his argument, requires this Commission, so late as the 21st June, to order an examination of all the bales and packages on board the "*Castro*;" but with this the Court thought it quite useless, and indeed improper under the circumstances, to comply—a decision which, we trust, your Lordship will approve—more especially when the suggestion of Lieutenant Woodgate and the other officers, and its result, are considered.

We ought not perhaps, my Lord, to close our Despatch on this case without referring to the capture of the bark mentioned in Commander Smyth's declaration, made by him under the recent Act of Parliament, because the circumstance having been introduced by him into his declaration has occasioned observations which will probably reach your Lordship through another channel.

In informing Her Majesty's Chargé d'Affaires of the "*Castro*" having been brought into Court, we took occasion to call his attention to the remark which it gave rise to, expressive of surprise, that a vessel, confessedly belonging to a Brazilian resident in this city, and whose property has already been condemned in this Court, should be submitted to any other than this tribunal.

Such was the observation of the Brazilian Commissary Judge on reading Commander Smyth's declaration; but as he did not pursue it further, or attempt to put it in a more formal shape, we contented ourselves with observing in reply, that, though it was true that property (the "*Brilhante*" slave-vessel), well understood to belong to Manoel Pinto da Fonseca, had been condemned by this Court, yet that fact did not appear, nor was anything submitted to it in the course of the proceedings against that vessel which at all showed that individual to be concerned in the same; and that, at all events in the present instance, the bark had neither flag nor papers.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 240.

Captor's Declaration.

I, WILLIAM SMYTH, commander of Her Britannic Majesty's sloop "*Grecian*," hereby declare, that, on this 1st day of June, 1841, being at anchor between the islands of Branca and Feia, in the Bay of St. Ann's, on the coast of Brazil, I detained the patacho named "*Castro*," sailing under Brazilian colours, armed with no guns, commanded by Francisco Alves Pimenta, who declared her to be bound from Rio de Janeiro to Caravelles, with a crew consisting of 7 men, 2 boys, no supercargo, and 5 passengers, with 3 negro servants, whose names, declared by them respectively, are inserted in a list at the foot thereof; and I do declare my firm opinion to be that the said vessel, when detained

CLASS A.

by me, was engaged in the Slave Trade; and I have formed this opinion from the following articles being actually on board her, connected with adjoining circumstantial evidence:—

1. Irons of various descriptions, such as are used to confine negroes.
2. Boilers 5 in number; also 2 lids of boilers such as are used on board slave-vessels, with a door and bars for a fire-place.
3. Six tubs, commonly called on board slave-vessels "cabungos," absolutely necessary on board vessels engaged in this illicit traffic.
4. One large hatch-bar, not in use, and stowed in the hold of the vessel.
5. Three casks of powder.
6. Seven cutlasses.
7. An immense quantity of jerked beef.
8. Several small tin ladles such as are used in cooking for slaves; also a considerable quantity of medicines.

I do further declare, as circumstantial evidence, this vessel, at the time she was boarded by a boat from Her Majesty's sloop "Grecian," was entering a creek called the Armação, notorious as being solely a deposit for newly-landed Africans; and that immediately before she was boarded the boats of Her Majesty's sloop "Grecian" had captured a bark partly equipped for the Slave Trade, supposed to be called the "*Constante*," from having been on a former occasion three days in the possession of an officer and crew belonging to the "Grecian;" whose owner, from the best information that can be obtained concerning her (the vessel having been deserted and set fire to on the approach of a boat from the "Grecian," and not a paper of any description left on board), is Manoel Pinto da Fonseca, a notoriously persevering slave-dealer. This bark, having no flag or papers, I have detained under the recent Act of Parliament, according to which Act she will proceed to a British Vice-Admiralty Court.

By the manifest of the said patacho a great quantity of the cargo marked *C* consists of articles adapted for the Slave Trade, and none of the articles under this mark are included in the marks that appear destined for Caravelles, which are various; and therefore the patacho was bound with part of the cargo marked *C* to the Armação, proceeding afterwards to her destination at Caravelles with the remainder; the only reason adduced for putting into the Armação, that of a foul wind which he could not beat against, is directly refuted by the officer sent in charge immediately weighing and working to windward with great ease. The pilot, on being asked why the vessel put into the Armação, declared that it was for ballast. This contradictory evidence, added to the articles already found on board, satisfied me that the vessel was prepared for carrying slaves, and, proceeding to a spot where a cargo had been landed from the bark, was aiding and abetting in that trade; and, therefore, conscientiously performing my duty, I place her before the Mixed Commission Court.

In confirmation of this I beg to declare to the Court that, in the book marked No. 11, which the master declared, before Lieutenant Thomas Woodgate and myself, were memorandums for the present voyage, that mention is made of "35 volumes pequenos o grandes," the term "volume" being well known to the Court as signifying slaves; and in corroboration that slaves were intended to be dealt with, a small marking-iron, No. 32, used in marking slaves, was taken by Lieutenant Woodgate from the person of one of the passengers or crew, and is herewith sent to the Court.

Among all the private letters and papers found on board there is not a single one directed to Campos, but they are all for Caravelles and its vicinity, which are 37 in number, and are now handed into Court as found, under a firm conviction that the correspondence relating to the "35 volumes" has not been given up.

List of the Crew.

- | | |
|-----------------------------------|---------------------------|
| 1. João Walters, pilot. | 6. Vicente Jorge, boy. |
| 2. Franco. Xavier, boatswain. | 7. Leandro Jozé, do. |
| 3. Vicente da Almida., seaman. | 8. Antonio de Manoel. |
| 4. João de Sta. Santos, do. | Caetano de Castro, slave. |
| 5. Justino Franco. do Santos, do. | 9. João de Castro, slave. |

Passengers.

Claurio Saul.	Edwardo Petoud.
Jozé Muniz Cordeiro Gilahy.	Anto. Pereira des Neves.
Francisco Buvelot.	

Passengers' Servants.

Henrique de Nacio.	Antonio.
Zeferino.	

(Signed)

WM. SMYTH, *Commander.*

Witnesses. THOS. WOODGATE, *Lieutenant.*
W. F. FEAD, *Lieutenant.*

I, William Smyth, commander of Her Britannic Majesty's sloop "Grecian," hereby certify that, on this 1st day of June, 1841, being at an anchor between the islands of Branca and Feia, in the Bay of St. Ann's, on the coast of Brazil, I detained the patacho named "*Castro*," sailing under Brazilian colours, armed with no guns, commanded by Francisco Alves. Pimenta, who declared her to be bound from Rio de Janeiro to Caravellas, with a crew consisting of 7 men, 2 boys, no supercargo, and 5 passengers, with 3 negro servants, for being engaged in the Slave Trade, and that the papers and documents, as follows—

- | | |
|---------------------------|---------------------------|
| No. | No. |
| 1. A list of the crew. | 13. A letter. |
| 2. Certificate of do. | 14. Manifest. |
| 3. Custom-house art. | 15. Letter. |
| 4. Anchorage art. | 16. A consulate despatch. |
| 5. Register. | 17. Do. |
| 6. Passport for Petoud. | 18. A consulate despatch. |
| 7. Do. Claudine Saul. | 19. Do. |
| 8. Do. Buvelot. | 20. Letter. |
| 9. Do. Gitahy. | 21. Memorandum. |
| 10. Hospital certificate. | 22. Consulate despatch. |
| 11. Memorandum-book. | 23. Do. |
| 12. Memorandums. | 42. Do. |

- | | |
|-----------------------------------|---|
| 25. Consulate despatch. | 30. An old bill. |
| 26. Do. | 31. A bag containing 37 letters and papers. |
| 27. List of cargo for Caravellas. | 32. An instrument for marking slaves. |
| 28. An account. | |
| 29. Memorandum. | |

seized by me on board the said patacho, being marked from No. 1 to No. 32, are enumerated as above.

(Signed) WM. SMYTH, *Commander.*

Appeared personally William Smyth, Esq., commander of Her Majesty's sloop "Grecian," duly authorized and empowered, according to the provisions of the Treaty between His Britannic Majesty and His Imperial Majesty the Emperor of Brazil, to make seizures of vessels under Brazilian colours engaged in the Slave Trade; being duly sworn, maketh oath, that on the 1st day of the month of June, 1841, being at anchor between the islands of Branca and Feia, in the Bay of St. Ann's, on the coast of Brazil, he seized and detained the patacho called "Castro," whereof Francisco Alves. Pimenta was master, by reason that the said patacho was employed in the traffic in slaves, contrary to the existing Treaties entered into with His Britannic Majesty and His Imperial Majesty the Emperor of Brazil; and the deponent further maketh oath that the paper writings and documents, hereunto annexed, marked from No. 1 to No. 32, inclusive, were given or delivered up to this deponent by the master of the said patacho; and that the same 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.

(Signed) WM. SMYTH, *Commander, H.M.S. "Grecian."*

On the 7th day of June, 1841, the said Commander William Smyth was duly sworn to the truth of this affidavit,

Before me,

Second Enclosure in No. 240.

(Translation.)

Sentence.

THE present proceedings being seen and examined, in regard to the detention of the Brazilian patacho "Castro," on the 1st day of the present month of June, by Her Britannic Majesty's brig-of-war "Grecian," William Smyth commander, on suspicion of her being engaged in the Slave Trade, it is seen that this patacho, the property of the Brazilian subject Manoel Caetano de Castro, has been by him employed in the coasting trade between this port and that of Caravellas; and that, sailing hence, on the 28th day of May of the present year, furnished with a passport and other legal documents, as well in regard to navigation as to the cargo for Caravellas, by Campos, she was detained, on the 1st day of the present month, distant from 300 to 400 yards from land, by the above-mentioned brig "Grecian," which was then at anchor between the islands Branca and Feia, in St. Ann's Bay, on the coast of this empire, and sent immediately to this port for trial, conformably to the 1st Article of the Instructions intended for the ships of war employed to prevent the illicit traffic in slaves.

The locality of this capture—*i.e.* its having been made in a creek in the territorial waters of Brazil—would of itself be alone sufficient to establish the illegality of the detention, and the incompetency of this Commission to take cognizance of it, in view of the 2nd Article of the same Instructions. Considering, however, the particulars given in the captor's declaration, it became the duty of this Commission to scrutinize whether this prize, although improperly submitted to it for trial, might not possibly be accompanied by such circumstances as should make it incumbent upon the Court to remit the prize for trial to the Imperial Government, instead of ordering her immediate restitution. With this view the Commission directed a most careful examination to be made by its own officers respecting the boilers and other indications, alleged by the captor as the grounds of justification of this detention.

The result of such examination, as well as the depositions of the witnesses, particularly of the two Swiss passengers, who were repairing to their estates in the neighbourhood of Caravellas, completely destroying these grounds, the Commissary Judges adjudge the detention of the aforesaid Brazilian patacho "Castro" to be illegal; declare her to be a bad prize to Her Britannic Majesty's brig-of-war "Grecian," William Smyth, commander; and order that she be released and immediately given up, with all her cargo and appurtenances, including Nos. 9 and 10 on the muster-roll, slaves of the owner of the vessel, and three servants belonging to the passengers in the same, leaving the owners and other parties interested at liberty forthwith to present to this Commission the account of the indemnities, to which, in conformity to their protest and to the regulations of the Commission, they may be entitled.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEORGE JACKSON.

(A true Copy.)

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, June 25, 1841.

Third Enclosure in No. 240.

Report of the case of the Brazilian patacho "Castro," detained, on the 1st June, 1841, in the Bay of St. Ann's, on the Coast of Brazil, by Her Majesty's brig-of-war "Grecian," William Smyth, Commander, on suspicion of being engaged in the Traffic of Slaves.

THIS patacho, the property of a Brazilian subject, Manoel Caetano de Castro, has been for some time engaged in the coasting trade between this city and Caravellas, and having sailed hence for Campos and that port on the 20th of May last, with her passport and other papers quite regular, she was detained, when about to enter a small creek called the "Armação," in the Bay of St. Ann's, where she was putting in for a supply of wood, and to wait for a favourable wind, by Her Majesty's brig-of-war "Grecian," on suspicion of being engaged in the traffic of slaves.

On the 7th instant Commander Smyth brought the papers of the "Castro" into Court, and, in addition to the usual declarations and affidavits setting forth the grounds of such suspicion and detention, added the report of a survey made by his order on the preceding day, after the arrival of his prize in this port, by Lieutenant Woodgate and other officers of his ship.

In ratifying these papers, Commander Smyth, on being examined by the Court, made the further deposition contained in Annex, No. 2.

This admission of Commander Smyth relative to the locality of the detention it was felt might at once have stopped all proceedings before this Court; but, for the reason stated in the sentence, the case was allowed to proceed; and the usual monition having issued, according to the forms of this country, five witnesses were examined, the examination commencing on the 9th of June, viz.—the master, the boatswain, and the pilot of the patacho, the latter a British subject; and two passengers, natives of Switzerland, on board the same.

The first witness, Francisco Alvares Pimenta, swore that he was a native of Lisbon, but a Brazilian subject, a seafaring man, and now master of the patacho "*Castro*;" that her owner was Manoel Caetano de Castro, who had no establishment in this city, but was a guest of Manoel Pinto de Fonseca, residing in the Rua da Quitanda; that on leaving the Port of Rio de Janeiro he was bound for Caravellas by the way of Campos, and that he put into the bay of the Armação, where there are only a few small houses, and which is rather further from Campos than from Rio de Janeiro, because his pilot told him that the wind was contrary, and that it would be well to wait there for a change, to which he agreed, as they began to want wood, having sufficient only for three days; that on leaving this he had enough for eight days, and that it is his custom when he happens to be in want of wood on a passage to put into some port on the coast for a supply; that he was on the point of anchoring, and very near the shore, when he was boarded by the boats of the brig which captured him; that the goods which he had on board, with the exception of some which belonged to the owner of the patacho, and which were to be sold at Campos if he found any buyers, were all destined for Caravellas; that none of them were calculated for the traffic in slaves; and, on being referred to the declarations of the captor, he replied that of the jerked beef 600 arrobas belonged to the owner of the patacho, which were to be sold at Campos or at Caravellas, 150 arrobas to him, deponent, for the same object, and 120 arrobas to a shipper, to be delivered at Caravellas; that, as to the irons, they were the property of a passenger, Edward Petaud, a Swiss, who was taking them for the security of the slaves on his own estate at Caravellas, viz., three pair of irons, three chains, two new and one old, and two neck-irons, which were all sewn up in a cloth, with the mark of their owners upon it, besides six small swords, fit for cutting in the woods; that, as to the boilers, which are all small, they were intended for the slaves on the estate of the owner of the patacho, the largest not being more than sufficient for six persons; that, as to the bars for the fire-place, they were two plates of cast-iron, fit for stoves, with their doors, the one belonging to a passenger named Buvelot, a Swiss, and the other he, deponent, was taking on commission; that, as for the tubs, four in number, they were for carrying water, and belonged to the owner of the patacho; and, finally, as to the large hatch-bar, there was only one which was for the use of the patacho; that on his entering the bay he saw two vessels, the one the brig of war, the other a bark, but that he did not know the latter, was carrying nothing for her, nor had any communication with her; that he has been navigating on the coast of Brazil for the last 16 years, but that he never underwent any nautical examination, nor was it the custom to keep any reckoning on these coasting voyages; that he did not attend to the course of the patacho at sea, which was entrusted wholly to the pilot when once outside the bar; that there was no cargo on board but what was despatched for Campos, including the pans, though all was not to remain there.

On being shown the memorandum mentioned in the declaration of the captor, respecting the 35 volumes, great and small, he said it was a memorandum of the packages which he took on board with him when he embarked, and which are now on board.

The second witness, Francisco Xavier, swore that he was a native of Pernambuco, and a Brazilian subject, a seafaring man, and now boatswain of the Brazilian patacho "*Castro*;" that he had always sailed along the coast of Brazil, and had never been anywhere else; that the said patacho was bound for Caravellas by way of Campos; that the jerked beef was also for Caravellas, to be sold there, and not intended for any vessel whatever. Being questioned as to the irons, he replied that he knew nothing of them, and had never seen them. With respect to the boilers, stoves, and other articles mentioned by the captor, the evidence of this witness agreed with that of the preceding, as also with respect to the cause of their putting into the bay of the Armação.

The third witness, John Waters, swore that he was a British subject, residing at Caravellas; that he came to this country as a sailor fifteen years ago; that he has got his living as a coasting pilot for the last eight years, and that he is now pilot of the patacho "*Castro*," on board of which he first engaged himself in January, 1840, having made his agreement with the owner, Manoel Caetano de Castro, who is established at Caravellas, where he has two stores, and is also concerned with the felling of timber; that he, deponent, made his agreement also for the present voyage with the same, who came up with him to Rio de Janeiro, and whom he left in this city at a house in the Rua da Quitanda, when he sailed from hence. That this agreement was the same as on all preceding voyages, namely, eighty milreis to pilot the vessel to and fro; that his orders on this occasion were to proceed to Campos, and thence to Caravellas; that as soon as they were out of the port he alone had the command of the vessel; that he had never before anchored in the bay of the Armação, but that, on the last voyage but one, having sprung his masts, he was about to put in there, but the wind shifting he stood on without stopping. This deponent gave the same reasons as the preceding witness for putting in there on this occasion, and denied also any knowledge of the bark which had been taken by the "*Grecian*," or that he had purposed any communication whatever with her; and the observation of the captor being read to him respecting the facility of working to windward, he replied that it was easy to do so in order to clear the bay, but that he could not beat up to Campos, nor is it usual for coasting vessels at this season of the year to beat to the northward, but to wait for a favourable wind from the south.

Being asked by the captor's proctor at what time in the afternoon he made up his mind to make for the bay, and how the wind was at that time, he replied about two or three o'clock, intending, if the wind, which was then north-east, should favour him, to fetch in that tack, and if not, to return to Cape Frio to anchor.

Being further asked by the same proctor whether any letters for Campos were on board, he said that he did not know, and on being shown the iron, mentioned in the captor's declaration as used in marking slaves, he answered that it belonged to one of his passengers, a Frenchman, said to be a shoemaker; that he saw it taken out of his pocket, and that he had it for marking the soles of shoes.

Being also asked, by the same, whether he was acquainted with any persons at the Armação, he replied that he was formerly, but that he did not know whether they resided there now, not having been on shore there for nearly five years.

The fourth witness, Edward Petaud, swore that he was a native Swiss, a Prussian subject; that he was a coffee-grower in the colony of Leopoldina thirteen leagues from Caravellas, and that he was a passenger on board the patacho "Castro," and that he had on board some goods, of which he produced a list, adding that he had, besides, packed up and marked with his initials, the irons, chains (the latter intended for scales for weighing coffee), neck-irons, and small swords for cutting in the woods, referred to by the captor; that he had been established in that colony seven years; that he was not in the habit of making journeys to Rio de Janeiro, and that he only came to this city from Nova Friburgo (where he had been on account of his health) to see the coronation.

The fifth witness, Francis Buvelot, swore that he was a native subject of Switzerland, a grower of coffee at Villa Viçosa, in the district of Caravellas, and that he was passenger on board the patacho "Castro," by which he also arrived at Rio de Janeiro last April; that he had now some goods on board, of which he produced a list, in which are included a pan, a stove for roasting arrow-root and tapioca, as well as a parcel of medicines.

Immediately on the two first depositions being taken, the Court ordered a survey to be made by its Interpreter and Marshal, of the boilers, bars for fire-place, and other irons mentioned in the allegations of the captor. The report of these officers was received on the 12th. The examination of the other witnesses, which had been retarded a few days by the illness of the Brazilian Commissary Judge, was completed on the 17th, and the Court were then prepared to give sentence in this case, when the proctor for the captor presented the enclosed petition, praying for time to offer certain documents in support of the prosecution. This it was not thought right to refuse, and on the 22nd inst. he offered the accompanying argument; and on the same day the proctor for the claimant offered his in defence.

The former offering nothing to induce the Court to take a different view of this detention than what it had previously formed, the proceedings were immediately ordered to be closed, and, on the 25th inst., the two Commissary Judges signed a sentence of restitution, declaring the detention of the "Castro" to have been illegal, and ordering her to be forthwith restored to her owners, with liberty to the parties interested to present an account of the indemnification to which they may consider themselves entitled.

Rio de Janeiro, June 30, 1841.

(Signed) GEO JACKSON.
FRED. GRIGG.

Fourth Enclosure in No. 240.

ANNEX 1.

Report of Survey.

PURSUANT to an order from William Smyth, Esq., commander of Her Majesty's sloop "Grecian," of this date, we, whose names are hereunto subscribed, have been on board the Brazilian patacho "Castro," and, on a strict and careful survey, find the following articles on board:—

A general cargo, including an immense quantity of jerked beef, biscuits and flour, canvas, fazendas, tobacco, snuff, powder, chains and irons with shackles, such as are used for confining slaves, several boilers, tops of boilers, with a door and bars for a fire-place, sundry tubs commonly called on board slavers cabungos, and cutlasses; also several hundred weight of round iron bars; leads, both deep-sea and hand; several large blocks, too large for the use of a vessel of this size; a large hatch-bar, not in use; potatoes, butter, tea, in tin canisters.

On deck one large boat with grapnel rigging complete, one foresail, one topsail, one top-gallant sail, one mainsail, two jibs, one topmast staysail, one lower and one topmast studding sail, three anchors, one chain and one grass cable, one Brazilian ensign, one signal flag, two compasses, one grass hawser.

Time not admitting of moving the immense quantity of jerked beef, we respectfully beg to suggest the propriety of moving it, should an opportunity offer, as a portion of this vessel's cargo is apparently intended to equip the bark just captured, and our opinion is that other discoveries may be made tending to prove such to be the case.

Given under our hands on board the Brazilian patacho "Castro," at Rio de Janeiro, this 5th day of June, 1841.

(Signed) THOS. WOODGATE, *Lieutenant*
N. B. PEARCE, *Master*
JOHN RICHARDS, *Boatswain* } *H. M.'s sloop*
"Grecian."

The jerked beef above alluded to has been moved without any further discovery.

(Signed) THOS. WOODGATE, *Lieutenant*
N. B. PEARCE, *Master*
JOHN RICHARDS, *Boatswain*
FRANCISCO ALZ. PIMENTO, } *H. M.'s sloop*
"Grecian."
Master of the patacho "Castro."

Fifth Enclosure in No. 240.

ANNEX 2.

Captor's Deposition.

IN rply to a question put to him by the Brazilian Commissary Judge, Commander Smyth deposed that he took the patacho in question in the Bay of St. Ann's, at the entrance of a small creek named Armação, distant, as well as he can judge, from 300 to 400 yards from the land; and being subsequently asked by the British Commissary Judge at what distance he was from land when he first saw the patacho, he answered that it might be a quarter or half a mile, when he immediately despatched his boat to board and examine her, as she appeared to be making for the said Armação; that his boat boarded her when she was still under sail, and that a few minutes after she anchored by order of Lieutenant Woodgate, the boarding officer, who, in about half an hour, sent to him to say that he had found in her irons, tubs, and boilers, upon which he himself repaired on board the said patacho, where observing the above articles to exist, he decided on detaining and bringing her before this Commission.

RIO DE JANEIRO.

Sixth Enclosure in No. 240.

ANNEX 3.

Report of Survey.

Rio de Janeiro, June 12, 1841.

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

PURSUANT to your order of the 9th instant, I proceeded this day accompanied by the Marshal of the Court on board the patacho "Castro." On my arrival the person who was in charge of the prize informed me that he could not show me anything without an order from the English frigate "Crescent;" to which I then proceeded, and from there an officer was sent with the keys of the hold, and the Marshal of the Court was shown in my presence the following articles, viz. :—

One new copper pan with handles, measuring 22½ inches in diameter and 10 inches depth.				
One ditto ditto ditto	18½	ditto	8½	ditto.
One ditto ditto ditto	17	ditto	7	ditto.
One ditto ditto ditto	10	ditto	4	ditto.
One ditto ditto ditto	27	ditto	3	ditto.

This last-mentioned had no handles, and is equal to those generally used on the estates to roast the farinha.

One new iron door for a stove, measuring 8 inches length, 6 ditto height.

Eight iron bars for the same, each bar 13 inches long.

Three irons for securing persons by the feet.

Two pieces of iron chain, one 10 feet long, one 12 ditto.

Three irons to put round the neck, commonly called gargalheiras.

I did not find, nor does there exist, any boiler, and only the five new pans before mentioned.

I have nothing further to report in the examination made by me.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Seventh Enclosure in No. 240.

ANNEX 4.

Petition.

(Translation.)

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

ROBERT HESKETH, proctor for Commander Smyth, says that having to offer certain documents respecting part of the cargo on board the patacho "Castro," together with the argument which on behalf of the captor he has also to present to this Commission, and being unable for the next two days to procure the required documents from the Consulate, he therefore prays that you, gentlemen, will grant a few days for obtaining the same.

The above is in the handwriting of Mr. Hesketh, but not signed.

Answer of the Court to the above.

Rio de Janeiro, June 17, 1841.

THE Commission was agreed on giving sentence in this case forthwith, in view of the proceedings already had, and of what is already before it; if, however, the petitioner deems it indispensable to offer fresh proof, the Court, not wishing to deprive him of the power of submitting whatever argument he may think fit, grants a delay till the 22nd instant definitively.

(Signed) GEORGE JACKSON.
CARNEIRO DE CAMPOS.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eighth Enclosure in No. 240.

ANNEX 5.

Argument of the Captor's Proctor.

Rio de Janeiro, June 21, 1841.

A NEW fraud is now presented to this Commission in order to cover a crime terrible in the eyes of humanity, of religion, and even of the truest interests of the country. When the spirit of speculation finds difficulties on the one hand, it endeavours to attain its object in some other way, and whenever any speculation is hurtful and condemned by the laws, the firmness of the judges in the examination of the laws can alone effect the extinction of such spirit of speculation; the case which is now presented to this Commission is a proof of what we have just said.

The prohibited commerce in Africans has, up to this time, been covered by the Portuguese flag, under which the traffickers in this illicit commerce set at nought the justice, the power, and the force of both Governments; but as such a scandal could not longer continue, it became necessary that men evidently immoral should no longer find shelter under this flag, but they had recourse in their immorality and impudence to other means, it appearing to them preferable to outrage justice and the Government of the country even under its own flag. The vessels which in former time were navigated and carried on this trade under the Portuguese flag, with simulated papers, have again passed to Brazilian ownership, and as it was not practicable to fit them out and to load them for that traffic in this port, seeing that on leaving it they were captured, as is not unknown to this Commission, they had recourse to the expedient of sending them to those ports of the provinces in which there is no custom-house, and with a pretended destination to another port on the coast, of forwarding to them from hence the cargo and the supplies necessary for the return. Already has a brig, which, as this

Commission must know, had discharged in a similar port, been captured by Brazilian ships of war, and even now Her Britannic Majesty's ship of war "Grecian" has just taken a ship in these very circumstances, which fully demonstrates the truth of these facts, or, we would say, of these means employed to cover the illicit trade of these traffickers. With such a destination it was that the patacho "Castro" in question was taken: having cleared from this city with a cargo for Campos and Caravellas, she proceeded to the port of the Armação, where there is no custom-house, at a time when a ship which had landed Africans, and was waiting for an (outward) cargo and for orders, was captured. The simple fact of the said ship engaged in the traffic of Africans being in that place, combined with the fact that the patacho was proceeding to that port, which was not her destination, and there being nothing to show the necessity thereof, and bearing in mind that it is now the custom of the slave-dealers to cause their vessels to discharge in those ports, and to wait for the cargo and the supplies which are sent to them from this place in other vessels in order to revert to the traffic, there is doubtless a very strong presumption against the patacho in question.

To this is to be added, that on board of the patacho were found irons used for slaves, and in the book a declaration of 30 volumes, large and small, which, in the language of the traffickers, means great and small Africans; and further, the fact that the goods were despatched at the Consulate for Campos and Caravellas without there being found any letter or order directed to Campos, which shows that such was not her destination, but some other object, which could only be the taking a cargo and provisions for the captured ship. A list found on board, and in the autos, does not contain all the packages found on board, and some have the marks which have constantly been found on board of vessels bound for the coast of Africa.

We have not opened the packages on board, nor have we examined the bales, being unwilling to do so without the order of this Commission. From the examination of the same much light will be gained; papers and orders will be found among some of them, and their nature will be ascertained as being proper for the commerce of the coast of Africa, and we therefore require this Commission to order such examination, to the end that it may decide with full knowledge of the case.

This business is entirely fraudulent and simulated, and such frauds and simulations being always the result of plans well combined and carefully arranged cannot be proved but by indirect proofs. If this Commission disregard these proofs—if it reject the presumptions and indications which shall betray such frauds—if it shall not facilitate the examination and researches which may tend to discover truth, and to unravel the mesh with which it is enveloped, it will not, in that case, be possible to put a stop or barrier to this spirit of scandalous immorality, inasmuch as the traffickers will find in the scruples of the Commission the means of protecting their frauds and their contrivances. It is necessary, Gentlemen, that you attend to the nature of such frauds, and to the interest which the traffickers have in concealing the end and the means of their speculations, not to allow yourselves to be deluded by them.

Wherefore seeing what has been set forth, we hope that this Commission, weighing well all the circumstances, and even that the captured parties have not proved their innocence, as they ought to have done, especially as it is known that the patacho in question is the property of Manoel Pinto da Fonseca, one of the most powerful of those engaged in this contraband traffic, and who is accustomed to carry it on under another name; since the presumptions and the indications against the patacho have not been refuted by the captured, and since it has been impossible to discover the truth by the examination of the bales and packages on board, we hope that the Commission, armed by justice, will adjudge the capture of the said patacho to be good and legal, and for which we refer to the judgment of the Court.

(Signed) ROBERT HESKETH.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Ninth Enclosure in No. 240.

ANNEX 6.

Argument of Claimant's Proctor.

Rio de Janeiro, June 22, 1841.

Illustrious Members of the Mixed Brazilian and English Commission.

DR. JOAO MANOEL PEREIRA DA SILVA, proctor for the owner of the Brazilian patacho "Castro," presents, in pursuance of your Despatch, the defence of that vessel, and trusts that you will order it to be annexed to the proceedings, and that seeing its most important matter, you will shortly pass a sentence declaring her to be a bad prize, and that she be delivered free and unembarrassed to her owner; and that the indemnities to which he is entitled be fixed according to his protest already presented to you.

(Signed) J. M. PEREIRA DA SILVA.

The detention of the Brazilian patacho "Castro" was an act inconsiderately practised by the commander of the English brig of war "Grecian," as we proceed to demonstrate.

Being the property of the Brazilian subject Manoel Caetano de Castro, as is proved by the certificate No. 1, she has been constantly employed in the coasting trade between the ports of Rio de Janeiro and Caravellas, as is shown by the document No. 2, and by the passport itself, annexed to the proceedings, showing that it has already served for two voyages, as also that her construction and masts (the patacho having been built in Iguape in the year 1838,) take away every suspicion of her being employed otherwise than in the coasting trade. Leaving Rio de Janeiro on the 28th of May, with all the necessary documents required by Brazilian laws, and with a cargo wholly lawful and legally despatched by the several Boards of Rio de Janeiro, she could not in any way be suspected or visited by an English ship of war engaged in cruising, in virtue of the 5th article of the Additional Convention of 1817, and of the 1st article of the instructions annexed thereto, by reason of the

absence of any ground, or reasonable motive of suspicion of being engaged in the traffic. The vessel, however, was not only visited, but was even detained after being visited, and thus the Treaty existing between the Empire of Brazil and the United Kingdom of Great Britain and Ireland was manifestly violated. Whenever slaves are not found on board for the traffic, as required by the articles 5 and 6 of the above-mentioned Convention, and by the 1st article of the instructions to the cruizers, they could not detain the patacho, even if there were the strongest indications of her being employed in the traffic, which hypothesis however does not exist, inasmuch as there are no such indications; but on the contrary, there results from the examination which has been made on board, and from the depositions, a complete proof of the legality and the truth of her voyage, as declared in the passport with which she sailed, and with which she had previously navigated.

Here it is also fit that this Mixed Brazilian and English Commission should observe, that two or three days after the patacho sailed from Rio de Janeiro, and before she was detained by the brig "Grecian," she fell in off Cape Frio with the "Partridge," also a ship of war of Her Britannic Majesty, employed in cruising, which after boarding and speaking her, and examining several things, allowed her quietly to continue her voyage, not finding any indications to excite suspicion; it being also to be noted that the capture, or rather the detention, was made, as the Captor himself admits in his declaration to the Commission, at the distance of 300 yards from the shore and in the Bay of S^a Anna, at the entrance of a little creek called Armação, which constitutes a flagrant violation of the Treaties between the Government of Her Britannic Majesty and that of His Imperial Majesty, as also of the plainest rules of the rights of nations, inasmuch as such a distance from the shore is considered as a continuation of the same territory, as is also the entrance to any bay, thus establishing that the detention was made in the territorial seas of Brazil, and for this reason also null, besides being an infraction of the Treaties and rights of an allied and friendly nation.

These considerations would suffice for the object which we have in view, viz., the release of the ship and cargo and the payment of indemnities, losses, detriment, and profit ceasing, which may ensue from that act, and on behalf of all and each of those interested in the vessel and cargo. In the meanwhile let us analyze the motives, which the Captor alleges as having induced him to detain the patacho.

1st. On account of irons of various sorts, according to the custom of slave-vessels. This motive is rebutted by the declaration of the passenger Petaud, to whom they belonged, who affirms that they were for the use of his plantation at Caravellas, these irons being solely, as the examination shows, three fetters for confinement, two chains, one of which is old, and three iron collars; and so true is this, as the master deposed, that the whole was in a bag, sewed up, and under the mark of the said Petaud. And whoever observes the small number of such irons, and the necessity of having them on the plantations for the control of the slaves, must acknowledge how groundless is such a motive, and therefore admit its nullity.

2nd. On account of 5 boilers, 2 covers, 1 door and bars for a stove. Bearing in mind the examination which was made, it is seen that 4 of the so-called boilers are 4 small pans with handles, the largest of which is 22½ inches in diameter by 10 in depth, and the smallest is only 10 in diameter by 4 in depth; that the fifth boiler is a so-called pan for roasting farinha of Mandioca, being 27 inches in diameter by 3 in depth; that the plate, the door, and the 8 bars of iron, are for an oven; this is ascertained by the declaration of the witnesses. How, then, in view of this examination, can the ground of such indication be supported?

3rd. As to the 6 tubs of which the captor speaks, it is collected that there are only 4 barrels for water.

4th. The large hatch-bar is the only one that the patacho used, and which on this occasion was, perhaps, in the hold, as sometimes happens.

5th. By the finding of 3 barrels of powder, of 7 swords, and of a large quantity of jerked beef, nothing can be inferred against the patacho, since everybody knows that Rio de Janeiro exports in every direction powder and jerked beef in quantities, and even articles of foreign produce; and as to the swords, it is seen that they are old, and belonging to a foreigner, who, living in the interior, admitted that he was taking them for cutting bushes.

6th. The medicines also belonged to a passenger, Buvelot, as well as the other things of which the Commander speaks. Neither does the motive hold good that (the vessel) was entering a bay known as a place where many Africans are landed by contraband, inasmuch as the declarations of the master, the mate, and the passengers, show the reason which took them thither, and it is well to know that all such coasting vessels call from port to port, according as they become short of provisions, of wood, of water, &c. Thus it occurred with the patacho "Castro," which, having sailed with wood for eight days, a stock which, as she was to call at Campos, appeared to be sufficient, made for the port of the Armação for a further supply, having then only enough left for three days.

7th. By the term "packages" (volumes) written by the master in his memorandum book of cargo. The illustrious Judges will examine that book, will analyze the whole, and will see whether the captor's interpretation of the word volumes is admissible!!! The captor's assumption appears indeed to be most extravagant. And here it must be confessed that this charge is not less extravagant than that which describes a small iron for marking shoes in the possession of a passenger, a shoemaker, as an iron for marking blacks!!!

In the absence of reasons to justify his illegal proceeding, the captor finds himself obliged to have recourse to these and other miserable sophisms to justify the act practised by him, and of which he now, no doubt, repents, alleging only that it is his firm opinion.

In view of such weighty arguments we trust that this distinguished tribunal will pronounce by its respectable sentence, as soon as possible, that the detention of the patacho was illegal, and that she be consequently restored and delivered to her owner with all her cargo, including in the same sentence the payment of the indemnities due for the prejudices, losses, damages, and profits ceasing, that have resulted therefrom, do and shall result to the parties interested till her final restitution, for which he protests by all the laws of right and justice, &c.

(Signed) J. M. PER. DA SILVA.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 241.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, July 2, 1841.**(Received September 2.)*

MY LORD,

WE have had the honour of receiving your Lordship's Despatch of 20th of March, 1841, acquainting us that the Queen's Advocate is of opinion, on our report of the case of the Brazilian vessel "*Alexandre*" being referred to him, that this Court of Mixed Commission acted quite properly in decreeing her release, for which communication we beg leave to tender to your Lordship our acknowledgments.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

No. 242.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, July 2, 1841.**(Received September 2.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch, transmitting to us, for our information, three copies of a Treaty concluded at Buenos Ayres on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the abolition of the Slave Trade, the ratifications of which were exchanged at Buenos Ayres on the 16th of May, 1840.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 243.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, July 2, 1841.**(Received September 2.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 22nd of April, 1841, transmitting to us, for our information, three copies of a Convention concluded at Port au Prince on the 23rd of December, 1839, by which the Republic of Hayti has acceded to the Conventions for the suppression of the Slave Trade concluded between His late Majesty and the King of the French on the 30th of November, 1831, and the 22nd of March, 1833; and further acquainting us that the ratifications of the above Convention were exchanged at Port au Prince on the 20th of October, 1840.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 244.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, September 3, 1841.**Circular announcing the appointment of the Earl of Aberdeen.*

(See No. 36).

(Extract.)

No. 245.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, July 7, 1841.**(Received September 7.)*

ON the 2nd instant Mr. Grigg received a private note from Her Majesty's Chargé d'Affaires, with a request that he would communicate it to Sir George Jackson, stating that "for some time past there had been correspondence and propositions respecting the treatment of the liberated Africans at the Casa de Correção and *elsewhere*, that a commission was to be formed and an examination instituted, and that he was about to address an invitation to us to take part in this commission."

On the following day the official Letter, dated the 2nd instant, was received from Mr. Ouseley, to which we lost no time in replying, by the assurance of our readiness to receive his proposition with every attention, but reserving our actual acceptance of it till we were more distinctly informed, by his promised communication, of its nature and extent. We spoke to the Brazilian Commissary Judge on the subject, and, collecting from him that the sole object to be inquired into is the truth of an accusation against the Superintendent of the Casa de Correção, we signified to Mr. Ouseley our consent to become members of the commission in question; respecting which, so soon as it may come into operation, we shall, of course, make early and careful reports to your Lordship.

In the mean time we have the honour to forward, for your information, copies of the correspondence that has taken place on this occasion; and have only to add that we trust the conduct we have pursued will meet with your Lordship's approbation.

First Enclosure in No. 245.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

British Legation, Rio de Janeiro, July 2nd, 1841.

HAVING thought it my duty to remonstrate with the Imperial Government against the treatment experienced by the Africans liberated by the sentences of the Mixed Court of Commission, when placed in the "Casa de Correção," I have just received from the Minister of Foreign Affairs a reply to my representation.

I shall take an early opportunity of communicating for your information the correspondence that has taken place on this matter, the immediate departure of the packet preventing me from doing so at this moment. I confine myself, in the meantime, to informing you that the Imperial Government has resolved upon naming a Commission to examine into the alleged abuses of the administration of the "Casa de Correção," and have requested me to propose to you, Gentlemen, to form part of this Commission.

The other members of the proposed Commission are to be the Brazilian Judge and Arbitrator, and Senhor Manoel de Jesus Valdetara, *Juiz de Direito da 1ra. Vara Crime*. A secretary will be chosen for this Commission from among the officers of the Department of Justice.

It would be superfluous on my part to point out to you, Gentlemen, the advantageous results which may be expected from the appointment of a Commission such as that now proposed. It is essential, in my opinion, however, that British officers of experience in the matters which will have to be examined into should form part of this Commission, in order practically to further the objects of Her Majesty's Government, and it is therefore that I consider it my duty strongly to recommend that you should consent to become members of the proposed Commission.

Requesting to be furnished with your decision on this proposal at your earliest convenience,

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

(Signed)

I have, &c.

W. G. OUSELEY.

Second Enclosure in No. 245.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 5th July, 1841.

It would be superfluous to assure you of our readiness to further the objects of Her Majesty's Government by every means within our power. Acknowledging, therefore, the receipt of your letter of the 2nd instant, (which we could not sooner do, as it did not reach our office on Saturday till after Mr. Grigg had left it,) we will for the present confine ourselves to saying that we shall give our best and most anxious consideration to your promised communication, with a sincere desire to meet your views, and to afford them every co-operation on our part which may be consistent with our actual duties.

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

(Signed)

We have, &c.

GEORGE JACKSON.
 FREDERICK GRIGG.

Third Enclosure in No. 245.

*Mr. Ouseley to Her Majesty's Commissioners.**British Legation, Rio de Janeiro, July 5th, 1841.*

GENTLEMEN,

BEING desirous of furnishing the Minister of Foreign Affairs with an immediate answer on the subject of my letter to you of the 2nd instant, I have to request that you will let me know, at your earliest convenience, whether you agree or decline to become members of the Commission that his Excellency has resolved upon naming.

The object of this Commission, of which your Brazilian colleagues are, as I have already stated to you, to form part, is to examine into certain abuses alleged to be committed at the "Casa de Correção" in the treatment of the Africans liberated by sentence of the Mixed Court, of which you are members.

I have, &c.

W. G. OUSELEY.

(Signed)

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

Fourth Enclosure in No. 245.

Her Majesty's Commissioners to Mr. Ouseley.

(Extract.)

Rio de Janeiro, 5th July, 1841.

WE have received your letter in reply to ours of this morning.

Being very unwilling to show anything like backwardness on our part in co-operating in whatever may have for its object the furtherance of the views of Her Majesty's Government, we lose no time in signifying to you our readiness to become members of the Commission in question, trusting that if we err in so doing we shall stand excused to Her Majesty's Government in favour of the motive which actuates us.

No. 246.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 20, 1841.

YOUR Despatch of the 30th of June last, reporting the case of the Brazilian vessel "*Castro*," has been referred to the Queen's Advocate, and I have to acquaint you that that officer has reported it to be his opinion, that the Mixed Commission Court was perfectly right in decreeing restitution of the "*Castro*" and her cargo, and in pronouncing that the owners, and other parties interested, should be at liberty to present their claims for indemnity.

The "*Castro*" is admitted to have been detained within 300 or 400 yards of the coast of Brazil, and there can, therefore, be no doubt that the capture was illegal, and that the captor was, consequently, liable to compensate the owners for the losses occasioned by his unauthorised act.

It is certainly to be lamented that the captor persisted in bringing the case before the Court of Mixed Commission for adjudication; but being so brought, and then proceeded against for an alleged breach of the convention, it was necessary for the Court, in compliance with the first regulation annexed to the convention, and in the mode prescribed by the third regulation, to take cognizance of the matter, for the purpose of deciding on the legality of the capture, and on the indemnification due in case of the vessel being restored.

I am, &c.

(Signed)

ABERDEEN.

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

No. 247.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 21, 1841.

Your Despatches of February 8, March 10, and May 17 last, have been referred to Her Majesty's Advocate-General for his opinion upon the acquittal, by

the Brazilian Courts of Justice, of individuals declared by sentence of the Mixed Court to have been guilty of piracy, in consequence of their having been concerned in the Slave Trade.

The Queen's Advocate has reported that he cannot concur in the opinion expressed by you in your Letter to Mr. Ouseley of the 5th of May last, namely, that the Brazilian Courts of Law have no power to acquit persons declared by the Mixed Commission Court to have been guilty of piracy; and further, that he cannot agree with you in thinking that it is the sole province of the Brazilian Courts to affix the degree of punishment due, according to the Brazilian law, to the persons already found guilty of piracy by the sentence of the Mixed Commission. The Queen's Advocate is also of opinion that the view which he takes of this subject is in perfect accordance with the report of Her Majesty's law officers upon this subject, the substance of which was communicated to you in the Duke of Wellington's Despatch of the 11th of February, 1835, alluded to in your above-mentioned Letter to Mr. Ouseley of the 5th of May last.

I am, &c.
(Signed) ABERDEEN.

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

No. 248.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 9, 1841.

(Received October 7.)

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 31st of December, 1840, to the 30th of June, 1841.

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

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

Enclosure in No. 248.

Return of Vessels Adjudicated by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, from the 31st of December, 1840, to the 30th of June, 1841.

Name of Vessel.	Tonnage.		Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Decretal part of Sentence.
	Brazilian Admeasurement.	British Admeasurement.		Lat.	Long.				
Asseiceira .	177	141½	1840 Dec. 31	Off St. Sebastian.		Brig and 332 Africans.	H. M. brigantine "Fawn," Lieut. Foote commanding.	1841 March 8	Vessel condemned, and the surviving Africans to the number of 323 emancipated.
Nova Aurora	165	132	1841 Feb. 26	13° 7' 57" S.	37° 50' W.	Brig and cargo.	H. M. S. "Rose," Peter Christie, Esq., Commander.	1841 April 15	Restored to her owners, with liberty to claim indemnities.
Castro . . .	99	80	1841 June 1	In the Bay to the north of Cape Frio.	of St. Ann's, toward of	Patacho and cargo.	H. M. B. "Grecian," William Smyth, Esq., Commander.	1841 June 25	Restored to her owners, with liberty to claim indemnities.

No. 252.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, September 16, 1841.*

MY LORD,

(Received December 6.)

WE had the honour to enclose in our Despatch of the 17th of May, 1841, the Copy of a Letter addressed by us to Her Majesty's Mission, detailing the proceedings had, by the Brazilian authorities, in the case of the "*Asseiceira*," subsequently to the sentence of this Court. We are not aware whether any, or what steps were taken by Mr. Ouseley on the receipt of that Letter, but a publication having appeared in one of the daily papers in this city, containing a correspondence between the Minister of Justice and the Public Prosecutor on this subject, in which the latter replies to and criticises the observations contained in our Letter, we think it right to forward to your Lordship translations of these several documents, the more so, as your Lordship will perceive that the instructions of the Minister of Justice strike at the root of the Convention of the 23rd of November, 1826, and order the Public Prosecutor, in cases similar to that of the "*Asseiceira*," to govern himself by the criminal laws of the empire, and not by the first article of that Convention.

We have already called the attention of Her Majesty's Minister at this Court to this matter.

We have, &c.

(Signed)

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

&c.

&c.

&c.

Enclosure in No. 252.

Extract from "The Diario do Rio de Janeiro."

(Translation.)

WE publish, this day, the despatch of the public prosecutor, requesting explanation from the Government in regard to the crime for which Brazilian subjects should be accused, who are declared by the Mixed Brazilian and English Commission to be comprehended in the First Article of the Convention of the 23rd of November, 1826; as also the answer of the Government, declaring that, in such cases, he should be regulated by the criminal laws of the empire, in which is not to be comprehended the said First Article of the Treaty of the 23rd of November. In our opinion the Government acted very correctly in not agreeing to consider Brazilian subjects as pirates, merely because the party who made such Treaty should so think proper.

We further publish the defence of the public prosecutor, with respect to the unjust censures advanced by the English Commissioners against his conduct in the indictment of the individuals implicated in the captured brig "*Asseiceira*."

Rio de Janeiro, 26th May, 1841.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IT being necessary to specify in the denunciations and indictments offered on behalf of justice the article of the law charged to have been violated, and also to show, in support of the same indictment, the Article and the degree of punishment which, according to the circumstances, the public prosecutor may deem the accused to have incurred, as is expressly laid down in the criminal code, I had the honour to consult the Imperial Government in my Despatch of the 29th of October, 1839, as to whether Brazilian subjects, declared by the Mixed Commission to be comprehended in the First Article of the Convention of the 23rd of November, 1826, should be deemed to be importers of Africans, in order to their being punished according to the law of the 7th of November, 1831; or whether they should be considered as pirates, and therefore subject to the penalties of piracy; and, in this case, which were the articles against piracy, specified in the criminal code, which should be considered as violated. As I have yet obtained no solution, and as new cases of charges of this nature may occur, I beg of your Excellency to be pleased to instruct me in respect to the doubts which I have again the honour to submit, in order that I may be enabled to proceed correctly.

God preserve your Excellency.

(Signed)

FRANCISCO JOZE PEREIRA BAPTISTA,
Public Prosecutor.

*To the most Excellent Senhor Paulino Jozé Soares de Souza,
Minister and Secretary of State for the Affairs of
Justice.*

Palace, 6th August, 1841.

HIS Majesty the Emperor, before whom I have laid the Despatches which you addressed to this department of state, in date of the 29th of October, 1839, and of the 26th of May and the 4th of June of the current year, orders me to notify to you, that, in the case set forth in the said Despatch,

it is proper that you should govern yourself by the criminal laws of the empire, in the number of which cannot be included the First Article of the Treaty of the 23rd of November, 1826; inasmuch as treaties are not the legitimate means for qualifying any act or omission as a crime, more especially when opposed to the definitions expressed in subsequent criminal laws, as are, in the present case, the criminal code and the law of the 7th of November, 1831, which has special reference to the case in question.

God preserve, &c.

(Signed)

PAULINO JOZE SOARES DE SOUZA.

To the Public Prosecutor.

MOST ILLUSTRIOUS SIR,

Rio de Janeiro, 28th July, 1841.

I HAVE the honour to return to you the enclosed papers which (in pursuance of the orders of Government) you transmitted to me, that I might reply to their contents, which I proceed to do, as to that part which relates to me.

I acted quite regularly when, in my accusation before the Justice of the Peace for the First District of Santa Rita, on the 5th of April last, of the individuals captured with Africans on board the brig "Asseiceira," condemned as good prize by the Mixed Commission, I offered the sentence of that Commission as the basis of my denunciation. It is known that the Mixed Commission is not competent to pronounce or impose penalties, and that its action is limited to the deciding respecting the lawfulness of the prize and the emancipation of the Africans. The Despatch of the 5th of September, 1835, decided very positively in this sense, that, it not being of the competency of the Mixed Commission to take cognizance of the crime committed by the importers of Africans into Brazil, its sentences could only serve as the *corpus delicti* on which to found the indictment and consequent prosecution and the trial of the delinquent, in conformity with the laws of each respective country.

I think, also, that I did not err in considering the individuals of the "Asseiceira," and all others in similar circumstances, as coming under the law of the 7th of November, 1831. By the afore-cited Despatch of the 5th of September it is my duty to present an authentic copy of the sentence of the Mixed Commission as the *corpus delicti*, and to prosecute the accusation in conformity to the laws of Brazil. The law of the 7th of November, 1831, being the only one which, in our country, designates the penalties which the importers of Africans incur, it is evident that it became me always to pay implicit obedience to the same in my accusation of such crimes.

In the terms of the Law bail was granted to the criminal Boisson, committed by the Justice of the Peace. Agreeably to the 2nd Article of the Law of the 7th of November, 1831, this delinquent was adjudged to come under the 179th Article of the Criminal Code, modified by the 34th Article of the same, inasmuch as he had not consummated the crime. The maximum of the penalty being six years of simple imprisonment, bail could not be denied him, in view of the 100th and 101st Articles of the Code of Procedure. I could not, therefore, offer any opposition to the concession of bail.

The censure passed upon me by the English Commissioners, besides being beyond their competency, is unjust—namely, that I had not appealed from the sentence of the Justice of the Peace as to that part which only committed Boisson, and not all the criminals included in the denunciation. Being at liberty to appeal from the sentences, where appeal is admissible, as was stated in the Despatch of the 5th of November, 1836, I considered that I ought not to avail myself of this license in the case of the brig "Asseiceira," inasmuch as it is my opinion that the public prosecutor should only have recourse to this means when the decision is contrary to the evidence resulting from the proofs. Besides this, the proceedings in consequence of the accusation of Boisson being to be submitted to the jury, this tribunal could, if it did not consider the reasons of the Justice of the Peace to be valid, amend his fiat by finding matter of accusation against all the individuals denounced, without even recourse being had to an appeal, as has more than once happened in other trials; and thus it was superfluous (in me) to require the said resource, serving only, as it would, to augment unnecessarily the costs. The fact is, that the process of the brig "Asseiceira" being submitted for trial to the First Council of the Jury, in their sitting of the 11th of last month, the said Boisson was acquitted.

God preserve, &c.

(Signed)

DR. FRANCISCO JOZE PEREIRA BAPTISTA,
Public Prosecutor.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

To the Illustrious Dr. Juiz de Direito,
Chief of Police.

No. 253.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, 16th September, 1841.

(Received December 6.)

MY LORD,

WE have the honour to inform your Lordship that, as yet, the claimants in the case of the "Nova Aurora" have not presented to this Court any account of the indemnities which they claim.

The omission to do so, we understand, proceeds from a disputed point which remains to be settled by this Government, as to certain duties claimed by the Imperial Custom House on the goods sold at auction, in virtue of an understanding between the claimants and the captor's proctor; the buyers of the goods alleging that they bought the same free of all duties, and determining, therefore, to renounce

their purchases rather than pay the duties required from them, in addition to the purchase money.

Such, we have been informed, is the state of the case in question; but nothing official respecting it has been brought before this Court.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

No. 254.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, 16th September, 1841.

(Received December 6.)

MY LORD,

WITH reference to our Despatch of the 7th of July, 1841, respecting a Commission proposed to be instituted for inquiring into abuses with regard to the treatment of liberated Africans, we have the honour to inform your Lordship that, up to the present time, we have heard nothing definitive on the subject.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

No. 255.

Her Majesty's Arbitrator to Viscount Palmerston.

Rio de Janeiro, 15th October, 1841.

(Received December 6.)

MY LORD,

On the 9th instant I had the honour to receive from Her Majesty's Minister at this residence a Despatch, in date of the 7th instant, announcing that Her Majesty had been pleased to transfer Sir George Jackson from his situation as Commissary Judge at Rio de Janeiro, under the Convention between Great Britain and Brazil on Slave Trade, to the similar appointment at Surinam, under the Treaty between Great Britain and the Netherlands.

Her Majesty's Minister also recommended me, in obedience to your Lordship's instructions, to take the necessary steps for filling the vacancy of Judge *ad interim* at Rio de Janeiro, according to the form prescribed by the Conventions under which the Commissions were established.

It thus became my duty to communicate the Despatch in question to Sir George Jackson in the first instance, which I did; and, on the 11th instant, I transmitted an official translation of the Despatch to the Brazilian Commissary Judge.

In consequence, that Gentleman proposed, at the Board, on the following day, that, in pursuance of the Convention, Her Majesty's Consul at this place should be summoned to fill, *ad interim*, the vacant office of British Commissary Judge, which was agreed to; and Mr. Hesketh having taken the requisite oath of office before the Minister of Justice, has this day taken his seat at the Board.

I have the honour to enclose a Copy of the above-mentioned Despatch from Mr. Hamilton; of my answer, in date of the 9th instant; of a second letter to Mr. Hamilton, dated 12th instant; and of the Minute of Session of that date, in original and translation.

Hoping that my conduct on this occasion may meet your Lordship's approbation,

I have, &c.

(Signed)

FRED. GRIGG.

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

First Enclosure in No. 255.

Mr. Hamilton to Her Majesty's Arbitrator.

SIR,

British Legation, October 7, 1841.

I HASTEN to inform you that I have received a Despatch from Viscount Palmerston, acquainting me that Her Majesty has been pleased to transfer Sir George Jackson from his situation as Commissary Judge at Rio de Janeiro, under the Convention between Great Britain and Brazil on Slave Trade, to the similar appointment at Surinam, under the Treaty between Great Britain and the Netherlands.

And I have likewise, in obedience to his Lordship's instructions, to recommend you to take the necessary steps for filling up the vacancy of Judge, *ad interim*, according to the form prescribed by the Conventions under which the Commissions were established.

Frederick Grigg, Esq.
&c. &c. &c.

I have, &c.
(Signed) HAMILTON HAMILTON.

Second Enclosure in No. 255.

Her Majesty's Arbitrator to Mr. Hamilton.

SIR,

Rio de Janeiro, October 9, 1841.

I HAVE the honour to acknowledge the receipt of your Despatch of the 7th instant, informing me that Her Majesty has been pleased to transfer Sir George Jackson from his situation as Commissary Judge at Rio de Janeiro, under the Convention between Great Britain and Brazil on Slave Trade, to the similar appointment at Surinam, under the Treaty between Great Britain and the Netherlands.

And in pursuance of his Lordship's instructions you, Sir, enjoin me to take the necessary steps for filling up the vacancy of Judge, *ad interim*, according to the form prescribed by the Conventions under which the Commissions were established.

Having communicated your Despatch to Sir George Jackson, it is arranged that on Monday next, the 11th instant, the Brazilian Commissioners will be duly informed of Her Majesty's pleasure on this head, when the requisite steps will be taken, without delay, for the filling up of the vacancy of Judge *ad interim*, according to the form above mentioned, and of the result of which you, Sir, shall be duly informed.

Hamilton Hamilton, Esq.
&c. &c. &c.

I have, &c.
(Signed) FREDERICK GRIGG.

Third Enclosure in No. 255.

Her Majesty's Arbitrator to Mr. Hamilton.

SIR,

Rio de Janeiro, October 12, 1841.

I BEG leave to enclose herewith an official Copy of a Minute of the Proceedings this day of the British and Brazilian Mixed Commission, consequent upon the removal of Her Majesty's Commissary Judge at this place to a similar appointment at Surinam.

Hamilton Hamilton, Esq.
&c. &c. &c.

I have, &c.
(Signed) FREDERICK GRIGG.

Fourth Enclosure in No. 255.

*Minute.**Session of the 12th October.*

THE Brazilian Commissary Judge having received yesterday a Despatch from his colleague, the British Commissioner of Arbitration, communicating the appointment of the British Commissary Judge, Sir George Jackson, as Commissary Judge at Surinam, and as announced to the same Commissioner by Her Britannic Majesty's Minister at this residence; he (the Brazilian Commissary Judge) proposed that Her Britannic Majesty's Consul should be summoned, according to the Convention, to supply the vacancy; and it was in consequence agreed that Mr. Robert Hesketh, the Consul of Her Britannic Majesty, should be requested to proceed to the office of the Secretary of State for the Affairs of Justice, to take the requisite oath, and subsequently his seat at the Board at the usual hour.

(A true copy.)
(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true translation.)
(Signed) JOZE' AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 256.

*Mr. Hesketh to Viscount Palmerston.**Rio de Janeiro, October 15, 1841.**(Received December 6.)*

MY LORD,

I HAVE the honour to announce that, in compliance with your Lordship's instructions to the British Judge Arbitrator of this Mixed Commission Court, I have, in conformity with the provisions of the Treaty, been this day formally installed in the office, *ad interim*, of Commissary Judge, thus assuming its functions until the arrival of Sir George Jackson's successor.

I have, &c.

(Signed)

ROBERT HESKETH.

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

&c.

&c.

&c.

No. 257.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 15, 1841.

WITH reference to correspondence, which you will find in the Papers upon Slave Trade laid annually before Parliament, upon the subject of the conduct of M. Pluma, the Tuscan Consul at the Havana, in granting papers to slave vessels, I herewith transmit to you, for your information and guidance, a copy of a Despatch, and of its Enclosures, from Her Majesty's Envoy at Lisbon, stating that the Portuguese Government has declared formally, that Consular documents furnished by M. Pluma to Portuguese vessels shall have no effect or validity as evidence of the nationality of the vessels to which they may be granted.

I have, &c.

(Signed)

ABERDEEN.

Her Majesty's Commissioners,

&c.

&c.

&c.

Enclosure in No. 257.

*Lord Howard de Walden to Viscount Palmerston.**November 13, 1841.*

(See Class B.)

No. 258.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 31, 1841.

WITH reference to Viscount Palmerston's Despatch to you, No. 11, of the 24th of May last, respecting instructions given for the guidance of Her Majesty's cruisers in dealing with vessels under the United States' flag, and suspected of Slave Trade, I herewith transmit to you, for your information, a copy of a further Instruction issued upon this subject on the 7th instant, by the Lords Commissioners of the Admiralty, to the Admirals commanding Her Majesty's naval forces on the Cape of Good Hope and West India stations, and to the senior officers on the west coast of Africa and the Brazils.

I am, &c.

(Signed)

ABERDEEN.

Her Majesty's Commissioners,

&c.

&c.

&c.

Enclosure in No. 258.

Admiralty Instruction of December 7, 1841.

(See No. 52.)

SURINAM.

No. 259.

Her Majesty's Judge to Viscount Palmerston.

Surinam, October 28, 1840.
(Received January 4, 1841.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, dated August 24th last, together with a printed Copy of a Memorial from the General Anti-Slavery Convention.

Her Majesty's Commissioners at this station have invariably shown that they participate in the sentiments expressed in your Lordship's Despatch; and I beg to assure your Lordship that I shall henceforth refuse to hire, or retain in my household, any domestic or other person belonging to the unfortunate class of slaves.

This regulation will entail considerable expense upon Her Majesty's Commissioners residing here, as the only suitable servants to be hired in this slave-holding colony are almost without exception persons of the above description; but I feel highly gratified that it is in my power, by sacrificing both my convenience and pecuniary consideration, to obey your Lordship's instructions on the present occasion.

I have, &c.

(Signed)

JOHN SAMO.

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

No. 260.

Extract of a Letter from Mr. Schenley, marked separate, dated New York,
January 28, 1841.

I REGRET to inform your Lordship that, since the successful trial at this port of the "propellers," Captain Ericson has been engaged to affix them to nine merchant-vessels, which, from the information I have received, their description, and the houses that guarantee the payment, it is much to be feared are mostly destined to carry on the Slave Trade. On the 5th of next month the first of them, "*The Clarion*," under the mask of being a packet, is to sail for Havana.

If possible I shall transmit to your Lordship an account of her performance and capabilities; but I fear that I may already assert, with too much truth, that slave-vessels so propelled can only by an accident become prizes to Her Majesty's cruisers.

No. 261.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 12, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of an instruction which I have this day addressed to Her Majesty's Envoy at the Hague, respecting the negroes emancipated by sentence of the Mixed British and Netherlands Court of Commission at Surinam; and I have to desire that you will

communicate that Despatch to the Governor-General of Surinam, and that you will suggest to him the expediency of making the preliminary arrangements, for carrying into effect the directions which he may receive from his government on this subject.

You will at the same time inquire from his Excellency, and you will inquire also from other persons, the present state of these negroes; and you will transmit to me a report containing a particular account of the information you may be able to collect. And when these negroes are brought before you for examination you will ask each of them separately whether he or she would like to go to a British colony, explaining to them that, slavery having been entirely abolished by law in British colonies, they would be sure therein to retain their liberty; and you will provide a passage to a British colony for such of them as may wish to go thither, taking care to secure for them due attention in their passage, and recommending them to the special care of the Governor of the British colony to which they are to go. You will draw on the Lords of Her Majesty's Treasury, at sixty days' sight, for the expense which you may incur on this account, giving to their Lordships and to me due notice of such bill, and sending to me an account of your expenditure, with vouchers.

I have, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 261.

Viscount Palmerston to Sir E. C. Disbrowe.

Foreign Office, March 12, 1841.

(See Class B.)

No. 262.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 10, 1841.

I HEREWITH transmit to you an instrument, bearing date the 16th of July, 1838, by which Her Majesty has been pleased to appoint Edward Wyndham Harrington Schenley, Esquire, to be Her Majesty's Commissioner of Arbitration in the Mixed British and Netherlands Court of Commission, established at Surinam under the Treaty and additional Article concluded with the Netherlands for the suppression of Slave Trade, and pursuant to the several Acts of Parliament for carrying that Treaty and additional Article into effect. I have to desire that, at an early opportunity after Mr. Schenley's arrival, and before he enters upon his duties in the character assigned to him in Her Majesty's commission of appointment, he will take in due form the oath prescribed to him by the enclosed instrument, and by the Act of Parliament under which he is appointed.

You will announce this appointment to the foreign members of the Mixed Court, destined to act with you under the Treaty and additional Article above mentioned.

You will follow strictly the line pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Surinam.

Further instructions will be transmitted to you, according as it shall appear that such instructions shall be necessary for your guidance.

I am, &c.

(Signed) PALMERSTON.

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

No. 263.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, April 15, 1841.**Circular transmitting Treaty with the Argentine Confederation for the Suppression of Slave Trade.*

(See No. 11.)

No. 264.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, April 22, 1841.**Circular transmitting Treaty concluded with Hayti for the Abolition of the Slave Trade.*

(See No. 12.)

No. 265.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 24, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of a letter which, by my directions, has been addressed to the Secretary to the Admiralty, respecting the search and detention of vessels bearing the flag of the United States, and suspected of Slave Trade.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 265.

*Lord Leveson to the Secretary to the Admiralty.**Foreign Office, May 18, 1841.*

(See No. 25.)

No. 266.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 10, 1841.

WITH reference to my Despatch of the 12th of March last, respecting the present state of the negroes emancipated by sentence of the Mixed Court of Commission at Surinam, I herewith transmit to you, for your information, copies of two Despatches from Her Majesty's Envoy at the Hague upon that subject.

I am, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 266.

1. *Sir E. C. Disbrowe to Viscount Palmerston, May 4, 1841.*
2. *Ditto Ditto May 28, 1841.*

(See Class B.)

Viscount Palmerston to Sir G. Jackson.

SIR,

Foreign Office, August 4, 1841.

HER MAJESTY has judged it proper, for the benefit of Her Majesty's service, to transfer you from your situation as Her Majesty's Commissary Judge in the Mixed Commission established at Rio de Janeiro under the Convention between Great Britain and Brazil for the abolition of the African Slave Trade of Brazil, to the similar appointment at Surinam in the Mixed British and Netherlands Court of Justice, established under the Treaty between Great Britain and the Netherlands.

Your functions as Her Majesty's Judge at Rio de Janeiro will therefore cease on the receipt of this Despatch, and you will proceed at once, and without delay, to your new post at Surinam.

Mr. Samo, at present Her Majesty's Judge at Surinam, will succeed you as Commissary Judge at Rio de Janeiro.

Your commission by Her Majesty's Judge at Surinam will be forwarded to that place, to the care of Mr. Schenley, at present British Arbitrator there; and, on your arrival at Surinam, you will wait upon that gentleman, who will deliver to you your commission, and will introduce you to the Netherlands functionaries with whom you have to act.

After showing to those functionaries your commission, and taking in proper form the customary oath, you will proceed to enter upon your duties as Judge.

You will strictly follow the line of conduct pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Surinam; and you will attend to such further instructions as may from time to time be transmitted to you from the Secretary of State.

I am, &c.
(Signed) PALMERSTON.

Sir George Jackson,
&c. &c. &c.

No. 268.

Viscount Palmerston to Mr. Schenley.

SIR,

Foreign Office, August 16, 1841.

I TRANSMIT to you herewith, under flying seal, a Packet addressed to Sir George Jackson, and containing Her Majesty's Commission, appointing that Gentleman to be Judge on the part of Great Britain in the Mixed British and Netherlands Court of Justice, established at Surinam under the Treaty of the 4th May, 1818, between Great Britain and the Netherlands, for the suppression of the Slave Trade.

I have to desire that, when Sir George Jackson arrives in Surinam, you will deliver to him this Packet; that you will admit him to take the necessary oaths of office, in order to qualify him to enter upon the duties of his office; and that you will introduce him to the Netherlands functionaries, with whom he will have to act in the office to which he is appointed at Surinam.

I am, &c.
(Signed) PALMERSTON.

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

No. 269.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 18, 1841.

It having been intimated to Her Majesty's Government that a number of

Barbadoes negroes are now held in slavery in the Colony of Surinam, I have to desire that you will collect and transmit to me all the information you can obtain regarding any British subjects who may be held in slavery there, in order that application for their release may be made to the Netherlands Government.

I am, &c.

(Signed) PALMERSTON.

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

No. 270.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, September 3, 1841.

Circular announcing the appointment of the Earl of Aberdeen as Principal Secretary of State for Foreign Affairs.

(See No. 36.)

No. 271.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, July 12, 1841.

(Received September 13.)

MY LORD,

WE are honoured with your Lordship's Despatch of April 10th last, together with the instrument of the appointment of Mr. Schenley as Her Majesty's Commissioner of Arbitration at this station.

That gentleman has this day taken the prescribed oath in due form, before the principal magistrate of the colony.

We have followed strictly your Lordship's instructions, in all respects, in relation to the above appointment.

We have, &c.

(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

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

Enclosure in No. 271.

Record of the Oath administered unto Mr. Edward Wyndham Harrington Schenley, as Arbitrator on the part of Her Britannic Majesty in the Mixed Court of Justice for the Suppression of the Slave Trade, established in the Colony of Surinam.

ON this the 12th day of July, in the year 1841, were introduced to the audience of his Excellency Rear-Admiral J. C. Ryk, Governor-General of the Netherland West India Possessions, assisted by the Government Secretary:—

Firstly, John Samo, Esquire, Her Britannic Majesty's Commissary Judge in the Mixed Court of Justice for the suppression of the Slave Trade established in this Colony.

Secondly, Edward Wyndham Harrington Schenley, Esquire, appointed as the Commissioner of Arbitration for Her Britannic Majesty in the said Court.

Mr. Samo, introducing Mr. Schenley as the Arbitrator appointed by the British realm in lieu of Mr. C. J. Dalrymple, removed to another station, presented to his Excellency the Commission of the said gentleman, under the signature and Grand Seal of Her Majesty Victoria, Queen of Great Britain and Ireland, given at the Palace of Buckingham in the 16th day of July, 1838, and signed by the Minister of Foreign Affairs, Viscount Palmerston.

His Excellency, examining minutely the said document, declared to acknowledge Mr. Schenley as the Arbitrator appointed by the British realm in the Court of Justice aforesaid, and willing to administer the oath to that gentleman in pursuance of the Treaty concluded by the two Powers at the Hague on the 4th day of May, 1818.

At the request of his Excellency the oath is read by the Government Secretary, and verbally repeated by Mr. Schenley, who deposits the oath in the hands of his Excellency, saying solemnly, "So help me God Almighty."

In testimony whereof this record was made up in the English and Dutch languages at the Govern-

ment House, in the Colony of Surinam, and signed by his Excellency, the Government Secretary, and the two British officers aforesaid.

(Signed)

J. C. RYK.

G. S. DE VEER.

JOHN SAMO.

EDWARD W. H. SCHENLEY.

A true copy of the original deposited at the Government Secretary's Office.

(Signed)

G. S. DE VEER, *Government Secretary.*

No. 272.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, July 31, 1841.

(Received September 27.)

MY LORD,

ON the 14th instant we were honoured with your Lordship's Despatch of March 12th last.

We beg to transmit a copy of the Note addressed to the Governor-General, in pursuance of your Lordship's instructions, and of his Excellency's answer; which answer appearing to us altogether unsatisfactory, we again addressed to him the Note enclosed.

The Governor-General has not yet replied, owing, as we are led to believe, to the inquiries which he has caused to be set on foot relating to the blacks in question not being completed, or their certificates of freedom hitherto collected together.

We have therefore thought it our duty to transmit the present correspondence; and we shall have the honour from time to time to forward to your Lordship an account of its progress.

In the mean while we beg to assure your Lordship, that we will make every exertion in our power to follow strictly your Lordship's instructions in regard to these Africans.

We have, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 272.

Her Majesty's Commissioners to the Governor-General.

Surinam, July 15, 1841.

THE Undersigned, &c., by the desire of Her Majesty's Government, have the honour to transmit to his Excellency the Governor-General, &c., a copy of an Instruction which has been addressed to Her Majesty's Envoy at the Hague, respecting the negroes emancipated by sentence of the Netherlands and British Court of Justice in this colony.

The Undersigned are also instructed to inquire from his Excellency the Governor-General the present state of those negroes; and likewise to suggest to his Excellency, most respectfully, the expediency of making preliminary arrangements for carrying into effect the desires of His Netherlands Majesty's Government on this subject—a subject which his Excellency will see has already caused much correspondence between the two Governments.

The Undersigned, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

His Excellency Rear-Admiral Ryk, Governor-General,

&c.

&c.

&c.

Second Enclosure in No. 272.

The Governor-General to Her Majesty's Commissioners.

GENTLEMEN,

Paramaribo, July 15, 1841.

I HAVE had the honour to receive your Despatch of this day's date, transmitting to me a copy of the Instructions addressed to Her Britannic Majesty's Envoy at the Hague, respecting the negroes emancipated by the Mixed Court of Justice in this colony.

In reply to this communication, I take the liberty of informing you that, in consequence of this identical correspondence, I have received instructions from my Government regarding those people, which shall be strictly attended to.

Regarding the present condition of those negroes, I must state that they are known as free labourers in service of Government: some as boatmen, others as tradesmen, and a few as domestics, whilst several have been enlisted among our black troops, or chasseurs.

Accept my thanks for the kind offer of your co-operation in the arrangements to be made for carrying into effect the desires of His Netherland Majesty's Government in this subject, of which offer I will avail myself in case of necessity, and believe me with sentiments of regard,

Gentlemen,

Your most obedient humble servant,

(Signed) J. C. RYK,

Governor-General of H. N. M. West India Possessions.

Messieurs John Samo and E. W. H. Schenley, Her Britannic Majesty's Commissary Judge and Arbitrator in the Mixed Court of Justice for the Suppression of the Slave Trade.

Third Enclosure in No. 272.

Her Majesty's Commissioners to the Governor-General.

Surinam, July 19, 1841.

THE Undersigned, &c., have been honoured, on the 17th instant, with your Excellency's reply to their note of the 15th instant.

The humane and philanthropic principles entertained by your Excellency regarding the liberated African colonists are well known to the Undersigned; and it is with the greatest satisfaction that they have received the assurance of your Excellency to concur in the same end with Her Majesty's Commissioners, "in case of necessity."

The information contained in the above note of your Excellency, relating to these free blacks, was communicated, in detail, to Her Majesty's Government, in a note of October 24, 1832, from the Baron Verstolk de Soelen to the British Minister at the Hague.

The statement made at that time does not appear to have afforded the elucidation sought for by the British Government; and the mere repetition of the same at this date, being nearly nine years subsequent, is not likely to prove satisfactory at this period.

It is well known to the Undersigned that the condition of the negroes remains unchanged in every respect, as that described by Baron de Verstolk in his Note to the British Minister of May 4, 1831, the perusal of which Note at that time caused Her Majesty's Government "unfeigned regret."

These occurrences having taken place long before your Excellency assumed this government may possibly have escaped your notice; and the Undersigned deem this a fitting opportunity to mention they have good reason to believe that children, born of the female portion of these blacks, are to be met with in this colony, who are still looked upon as not being free.

The Undersigned sincerely trust that the instructions of His Netherlands Majesty's Government upon this subject will permit your Excellency to comply with the request of Her Majesty's Government, that the negroes alluded to "may be brought before the Mixed Commission, in order that the Court may ascertain, by personal examination," whether they are in that state of entire freedom to which they are entitled by the Treaty.

The treatment of these blacks has been a continued source of uneasiness to the British Commissioners at this station.

It appears that the Commissioners in December, 1832, had given an account of the certificates of emancipation which had been delivered to the slaves adjudicated by the Mixed Court of Justice, having been taken away from them during the authority of Governor-General Cantzlaar.

These documents are doubtless deposited in the archives of the Government, and the Undersigned solicit that your Excellency will be pleased to give orders to have them exhibited for their inspection.

The Undersigned, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

No. 273.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, August 2, 1841.

(Received September 27.)

MY LORD,

WE have lately been favoured with the perusal of an English newspaper, published in the neighbouring colony of British Guiana, giving an account of the safe arrival there of eight fugitive slaves, and containing some remarks upon the subject.

The description of their passage having occupied "fourteen nights" must be erroneous, as it seems they only quitted the estates on the night of July 10.

The appearance of this article has caused the greatest excitement and consternation amongst the class of colonists who are owners of or interested in slave property. And having heard that some communication upon the subject will be made to Her

CLASS A.

Majesty's Government, we think it advisable to transmit to your Lordship a copy of the article, extracted from the journal alluded to.

We apprehend that the severest measure of punishment may hereafter be dealt out to any of these unfortunate creatures overtaken in the act of escaping, in order to deter others from following the example.

In two cases which recently occurred, where three of these unhappy beings, belonging to the plantations Domburg and Petersburg, were caught and brought back, together with two others of the plantation Waterloo, the sentence of the court adjudged them to be scourged with rods composed of tamarind twigs, and to work in chains upon the estates from whence they had made off.

We have, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

My Lord,

August 3.

Intelligence has been this day received that, in the district of the Upper Nickerie, situated about seventy miles to the westward of the entrance of this river, two parties of slaves attempted to escape; one consisted of forty, and the other of eighteen persons. The latter have been captured in the act, and the former were prevented by the discovery of their plot.

It is asserted that all these people have openly declared they will renew their efforts until successful.

J. S.

E. W. H. S.

Enclosure in No. 273.

Extract from the Guiana Times, July 16, 1841.

“NOVEL SPECIES OF IMMIGRATION.—At an early hour on Monday morning, eight persons, apparently in the last stage of exhaustion from fasting and fatigue, landed at one of our wharves from a boat of a remarkable construction, and surrendered quietly to the police.

“They turned out to be of Surinam, in which colony they had been working as slaves, when, inspired by the genius of liberty, they contrived to make their escape.

“They had hidden themselves during the day, and rowed all night for fourteen nights together; and the scantiness of their provisions for the voyage was proportionate to the haste with which they must have undertaken it. Their boat the custom folks have of course seized. We believe it is intended to let the people themselves go where they please.

“We have heard one or two gentlemen (evidently prejudiced in favour of our Dutch neighbour) say, that the abstraction of the boat being a theft, constitutes a good claim for a surrender of the runaways to the Surinam authorities; others say, with a sort of fellow-feeling for slave-dealers, that it would be ‘a pity not to give the poor people back their slaves.’ With such sentiments we confess we have little sympathy.

“By the English law now in force in the English colonies, to hold a man in slavery is to commit a crime. It cannot then be a crime for a man to resist the imposition of a yoke of slavery, or to attempt to escape from its restraint.

“One nation will not surrender to another the person of a man charged with an offence not recognised as such in the laws of all nations.

“The United States, the other day, refused to deliver up Lyon Mackenzie, even although the ingenuity of the British authorities contrived to charge him with the robbery of the public mails.

“Had those eight runaway slaves killed their master when he attempted to detain them, we will not say that their act would have been praiseworthy, but we contend that the Government must have reflected a little before it could have surrendered them as fellows guilty of murder.

“It is agreed that the mere act of escaping from slavery is not such an offence as justifies a surrender under international law. But slaves cannot escape without instruments of flight: the appropriation of the horse or boat, or victuals for the journey, is therefore, in the first place, purged of its immorality by the goodness of the cause in which it takes place; and next justified by the consideration of the toil which the master has all along stolen from the slave.

“The old notion of our former negro slaves, that what they had surreptitiously from their owner they did not *steal* but *take*, had its foundation pretty deeply laid in the practical philosophy of human life. Our eight immigrants would very probably be fain to let Mr. Colin Campbell, whose Highland name is chalked on the boat, have his property back again whenever he chooses to send for it.

“To wink at the escape of their persons, and yet make a fuss about their theft of a vehicle, would be preposterous.

“We trust then that unless some heinous offence, denounced in the universal code of Christendom, be formally imputed to the eight, all the vapouring likely to be put forth by the Surinam Government will be disregarded, and the poor people will be admitted to take rank, without challenge, among the free inhabitants of the colony.

“Dr. Johnson, at an entertainment at Oxford, drank ‘to the next slave insurrection in the West

Indies.' One needs not, in this age, be quite so bloody-minded as the obdurate old moralist, but we would toast, 'The speedy depopulation of all slave countries by emigration to British Guiana.'

"Liberty is a glorious prize, worth periling life and limb for. If all slaves came to know their own strength, this would become one of the finest countries on the face of the globe. We trust that they *may* soon know it, and that the multitude of the human race will spurn at the chains held on them by the few.

"And feeble and flickering as the flame of freedom is, and liable to be extinguished by every passing breath of wind, we do not despair of seeing it yet strengthened and expanded, until it consume the system of slavery wherever prevalent.

"We believe when this number of the Guiana Times reaches Paramaribo, the paper will be burned at the common market-place, and the editor gibbeted in effigy. That is all very well, gentlemen of the cart-whip; but the chances are that more of your people will flee from misery to happiness than you are now reckoning on, and we sincerely wish them a safe deliverance and a pleasant passage hither."

No. 274.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, August 24, 1841.

(Received October 18.)

MY LORD,

WE have the honour to announce to your Lordship that Mr. P. Fiers Smeding, His Netherland Majesty's Commissioner of Arbitration, has obtained permission to absent himself from his post for twelve months. The vacancy has been supplied, *ad interim*, pursuant to the explanatory Article 2 of those signed at Brussels, December 31, 1822. Mr. Philip de Kanter, His Netherland Majesty's Procureur-General, having previously taken the oath prescribed by the Treaty, has this day assumed the office of the Netherlands Commissioner of Arbitration.

We have, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 275.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, August 27, 1841.

(Received October 18.)

MY LORD,

In reference to the contents of our Despatch to your Lordship of July 19, 1841, we have the honour to transmit copies of a Note of the 16th instant, which we addressed to the Governor-General upon the same subject, and of his Excellency's reply, declining to acquiesce in the demand to have our emancipated negroes brought before the Mixed Court for examination.

Your Lordship will see that one of the grounds for resisting that demand is founded upon the opinion of the British Crown Law Officer in 1830; and, as a further reason for such refusal, his Excellency alludes to the present excitement amongst the slave population, of which our Despatch to your Lordship of the 2nd instant makes mention.

Her Majesty's Commissioners, at a recent interview with Admiral Ryk, were verbally assured by him that the woman alluded to in our above-mentioned Note of August 16 was not one of the negroes of the "*Snow*;" that she belonged to some seizure made by the colonial authorities, and condemned as forfeiture by the tribunals of the colony for a breach of the laws for the abolition of the Slave Trade.

At the same interview his Excellency exhibited about twenty-six original certificates of emancipation, bearing the signature of the Netherlands and British Commissary Judges at that date, and were intended to be those of the negroes belonging to the "*Snow*," but which certificates had always remained deposited in the Colonial Government Department.

The perfect state of those paper documents bear unquestionable evidence that they were never in the hands of the negroes themselves; and we take the present occasion to transmit to your Lordship one of these forms, in blank, which are

merely filled up with the name (given at the time) of the party for whom it is intended, but it contains no description of the person, or affords any other means of identifying the individual.

This omission is to be greatly regretted; for should we succeed in having these people produced to us, their identity will be very difficult to establish.

My Lord, Her Majesty's Commissioners do not possess the means of visiting the different stations where the emancipated persons are employed, and are to be seen at work, otherwise they would have opportunities of acquiring definite knowledge of their exact condition; for the most part of those stations can only be reached by water-communication, and we have not the power of obtaining a suitable boat and crew for such purposes.

We have, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 275.

Surinam, August 16, 1841.

THE Undersigned, &c., take the liberty of referring to the contents of their communication of the 19th ultimo, which they had the honour to address to your Excellency on that date.

The Undersigned are satisfied that the collecting together the entire number of free blacks must occupy some reasonable period, but as many of those persons or their children are in the immediate neighbourhood, the Undersigned respectfully request that your Excellency will be pleased to direct such of them to be produced before the Mixed Court as soon as convenient.

The Undersigned have lately acquired the particulars of the fate of one of the female negroes who was emancipated in 1824 by sentence of the Mixed Court, whose fate seems to justify the impression entertained by Her Majesty's Government that these people are not in that condition of perfect freedom which the Dutch Government guaranteed by the Sixth Article of the Regulations for the Mixed Court residing in this colony under the Treaty of May 4, 1818.

It appears that the female alluded to cohabited with a Dutch officer of rank, (who is since dead,) and the birth of two girls is the result of that intercourse.

It is stated that these children were placed by their putative father in the care of their present mistress, with whom they are still residing, and they are receiving the like rations from the Colonial Government as are issued to the negroes of that class at present engaged on public works or otherwise employed.

Several unsuccessful applications, by their friends, have been made to former governors to place these girls in a state of entire liberty. Their mother is a laundress of unusual ability, and could earn with great ease per day 2s. (one guilder and a quarter), and it has been ascertained by the Undersigned that she never has received any wages, nor is she permitted to select her employers. It is likewise known that this person is now residing with and employed in the family of the commandant of the lower district of Nickerie.

The Undersigned earnestly call the attention of your Excellency to the facts of this case, as an additional motive for complying with the wishes of the British Government to have these emancipated people brought for examination before the Mixed Court.

(Signed)

The Undersigned, &c.

JOHN SAMO.

EDWARD W. H. SCHENLEY.

His Excellency Rear-Admiral Ryk, Governor-General,

&c.

&c.

&c.

Second Enclosure in No. 275.

The Governor-General to Her Majesty's Commissioners.

GENTLEMEN,

Paramaribo, August 20, 1841.

I HAD the honour to answer to your official letter and its enclosure dated July 15th by my despatch of the same date. A severe and protracted indisposition, together with subsequent press of business, have prevented my giving an earlier reply to your two official letters dated 19th ultimo and 16th instant. Permit me, however, to assure you, that in the mean time the important contents of this document have received my most serious attention.

I now beg leave to inform you that I shall very shortly transmit to my Government the results of an investigation which I have caused to be made concerning the number of survivors, the present occupation, treatment, and domicile of the negroes emancipated by sentence of the Mixed Commission established here, and I trust, when communicated through the proper channel to your Government, they may prove satisfactory.

For this reason, as well as considering the present question to be one which is not provided for by the Treaty of the 4th of May, 1818, and which can therefore only be settled by the courts of the

Hague and St. James, I must decline acceding to your request of calling before the Mixed Commission any of these negroes.

I am confirmed in this resolution by finding upon investigation and reference to a former correspondence, when your predecessors in office wished to assume the right of interfering with the internal regulations and laws of this colony, and the measures which the authorities thought fit to adopt towards the free negroes having belonged to the "Snow," that it was declared in 1830, by the highest legal authorities of your country, that by the existing treaty the Commissioners are not entitled to require from the chief magistrate any details whatsoever concerning his official acts. The British Government may, by their more recent treaties, have acquired this power for their Commissioners by other nations, as I have seen in the parliamentary papers and subsequent treaties, but I am not aware that any alteration has been made with my Government favourable to your wishes since the above-named period, and I cannot upon my own authority attempt to make one, (the) more especially as the measures you propose in the name of your Government would have the effect of creating great agitation and discontent amongst the lower classes, which, in connexion with the incendiary publications that I regret to find are tolerated in the neighbouring colonies of Her Majesty the Queen of England, and imported in this colony, might be subversive of good order, or greatly endanger the lives and properties of those whose protection I am placed here to succour.

I have, &c.

(Signed)

J. C. RYK,
Rear-Admiral, Governor-General of the
Netherland West India Possessions.

John Samo and E. W. Harrington Schenley, Esqs.,
Her Britannic Majesty's Commissary Judges in
the Mixed Court for the Suppression of the Slave
Trade.

Third Enclosure in No. 275.

Certifikaat.

Voor behoord hebbends tot de negers, gevouden aan boord van de topzeils schoener genaamd "Las Nieves" of "Snow," genomen door de Nederlandsche brik van oorlog "de Kempphaan," gekommandeerd door den Luitenant ter Zee van de eerste klasse Johannes Godsen, opgebracht ter Reede van Suriname, en door het Gemengd Gerechtshof ter weering van den Slavenhandel, zitting houdende te Paramaribo, by vonnis van den Prys Verklaard, ten gevolge waarvan bovengemelde negers, volgens het Traktaat tusschen H: H: M: M: den Koning der Nederlanden en den Koning van Groot Brittanje van den 4e. Mei, 1818, zyn geëmancipeerd.

Wy Regters van het Gemengd Gerechtshof tot weering van den Slavenhandel, zitting houdende te Paramaribo, verklaren dat gevonden aan boord van bovengemelde topzeils schoener, opgebracht den 9e. April j. l. door welgem: Zyner Nederl: Majest: brik van oorlog "de Kempphaan," by sententie van den is geëmancipeerd, en gesteld ter dispositie van het Gouvernement, als een vrye werkmán, ingevolge den inhoud van het hierboven vermelde Traktaat van den 4e. Mei, 1818.

En is aan

dit Certifikaat afgegeven, om te dienen daar en waar het behoort.
Paramaribo, den 1823.

(Translation.)

Certificate.

For , one of the negroes found on board of the topsail schooner called "Las Nieves" or "Snow," captured by the Netherland brig of war "Kempphaan," commanded by the Lieutenant at Sea of the First Class, Johannes Godzen, brought into the Roads of Surinam and condemned as prize by sentence of the Mixed Court for the suppression of the Slave Trade, at their sitting held in Paramaribo on the ; in consequence of which the said negroes, in conformity with the Treaty entered into between His Majesty the King of the Netherlands and the King of Great Britain, dated the 4th May, 1818, are emancipated.

We, Judges in the Mixed Court for the suppression of the Slave Trade, at our sitting held at Paramaribo, declare that , found on board of the above-mentioned topsail schooner detained on the 9th of April last by His Netherland Majesty's brig of war the "Kempphaan," is emancipated agreeably to our sentence of the , and placed at the disposal of the Government as a free labourer, pursuant to the above-mentioned Treaty of the 4th May, 1818.

This Certificate is given to
Paramaribo, the

1823.

No. 276.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, September 3, 1841.

(Received October 19.)

MY LORD,

We are honoured with your Lordship's Despatch of June 10, 1841, transmitting copies of the further correspondence with the Netherlands Government respecting the emancipated negroes in this colony.

We now beg to enclose to your Lordship a copy of our Note which was imme-

diately addressed to the Governor-General, and we trust by the vessel which next sails for Europe that we shall be enabled to forward his Excellency's reply.

We have, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

Enclosure in No. 276.

Her Majesty's Commissioners to the Governor-General.

Surinam, September 2, 1841.

THE Undersigned have the honour to transmit copies of two Notes which have been exchanged with the British and Netherlands Governments relating to the negroes emancipated under the Treaty of May 4, 1818.

The Undersigned beg to call the attention of your Excellency to that part of the correspondence which states that no difference of opinion exists between the two Governments as to the power of these people to quit the colony whenever they please to do so; that they are now completely free from every restraint, and can use their liberty as they may think most advantageous to themselves.

The Undersigned are authorised to furnish the means for any number of these free persons who may wish to go to a British colony.

The Undersigned respectfully solicit that your Excellency will be pleased to ascertain how many of those individuals, with their children, are desirous of availing themselves of this offer, in order that the necessary accommodation may be secured for them without delay.

The Undersigned, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

No. 277.

The Earl of Aberdeen to Her Majesty's Commissioners.

Foreign Office, October 30, 1841.

Circular transmitting Copies of Papers presented to Parliament.

(See No. 46.)

No. 278.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, September 8, 1841.

(Received November 5.)

MY LORD,

By the arrival from Curaçao of His Netherland Majesty's steam-vessel called the "*Curaçao*," first class, Lieutenant Bolken commanding, we have heard that very recently 30 negroes took forcible possession of a schooner; and having ill-used and beaten the captain, they have effected their escape from thence with the vessel, and it is understood they landed at Hayti. We deem it our duty to report this occurrence to your Lordship as an additional fact, showing the spirit for attaining liberty which exists throughout the colony amongst the slave population.

We have, &c.

(Signed)

JOHN SAMO.

EDWARD W. H. SCHENLEY.

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

No. 279.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 15, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch

and of its Enclosures from Her Majesty's Envoy at Lisbon, stating that the Portuguese Government has declared formally that Consular Documents furnished to Portuguese vessels by Mr. Pluma, the Tuscan Consul at the Havana, shall have no effect or validity as evidence of the nationality of the vessels to which they may be granted.

I am, &c.
(Signed) ABERDEEN.

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

No. 280.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 31, 1841.

WITH reference to Viscount Palmerston's Despatch to you, of the 24th May last, respecting instructions given for the guidance of Her Majesty's cruizers in dealing with vessels under the United States flag, and suspected of Slave Trade, I herewith transmit to you for your information a copy of a further instruction issued upon this subject on the 7th instant by the Lords Commissioners of the Admiralty, to the Admirals commanding Her Majesty's Naval Forces in the Cape of Good Hope and West India stations, and to the senior officers on the West Coast of Africa and the Brazils.

I am, &c.
(Signed) ABERDEEN.

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

Enclosure in No. 280.

Admiralty Instruction of December 7, 1841, enclosed in Admiralty Letter of December 9, 1841.

(See No. 52.)

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