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Class A.

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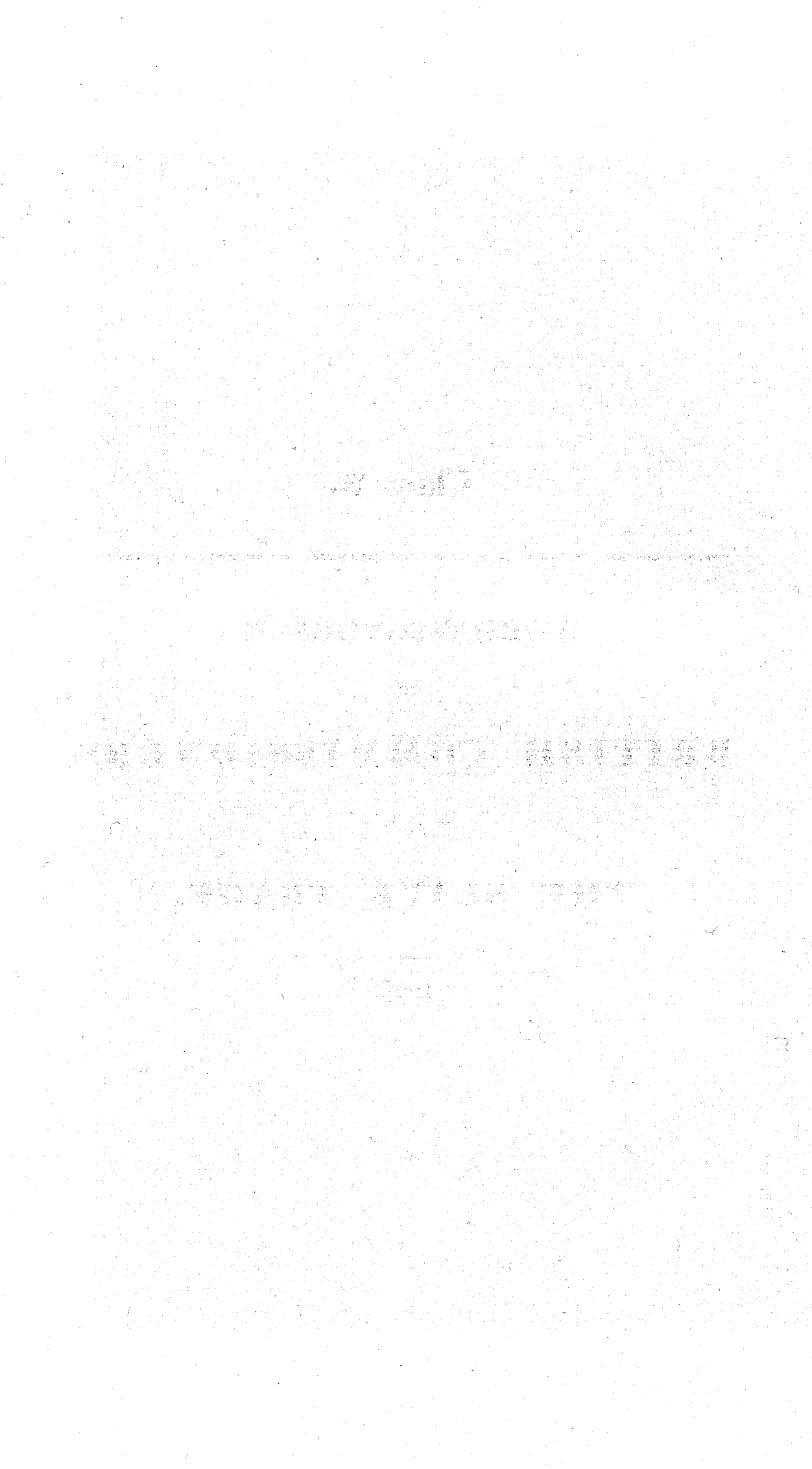
WITH

BRITISH COMMISSIONERS

RELATING TO

THE SLAVE TRADE.

1842.



Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS

AT

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

RELATING TO

THE SLAVE TRADE.

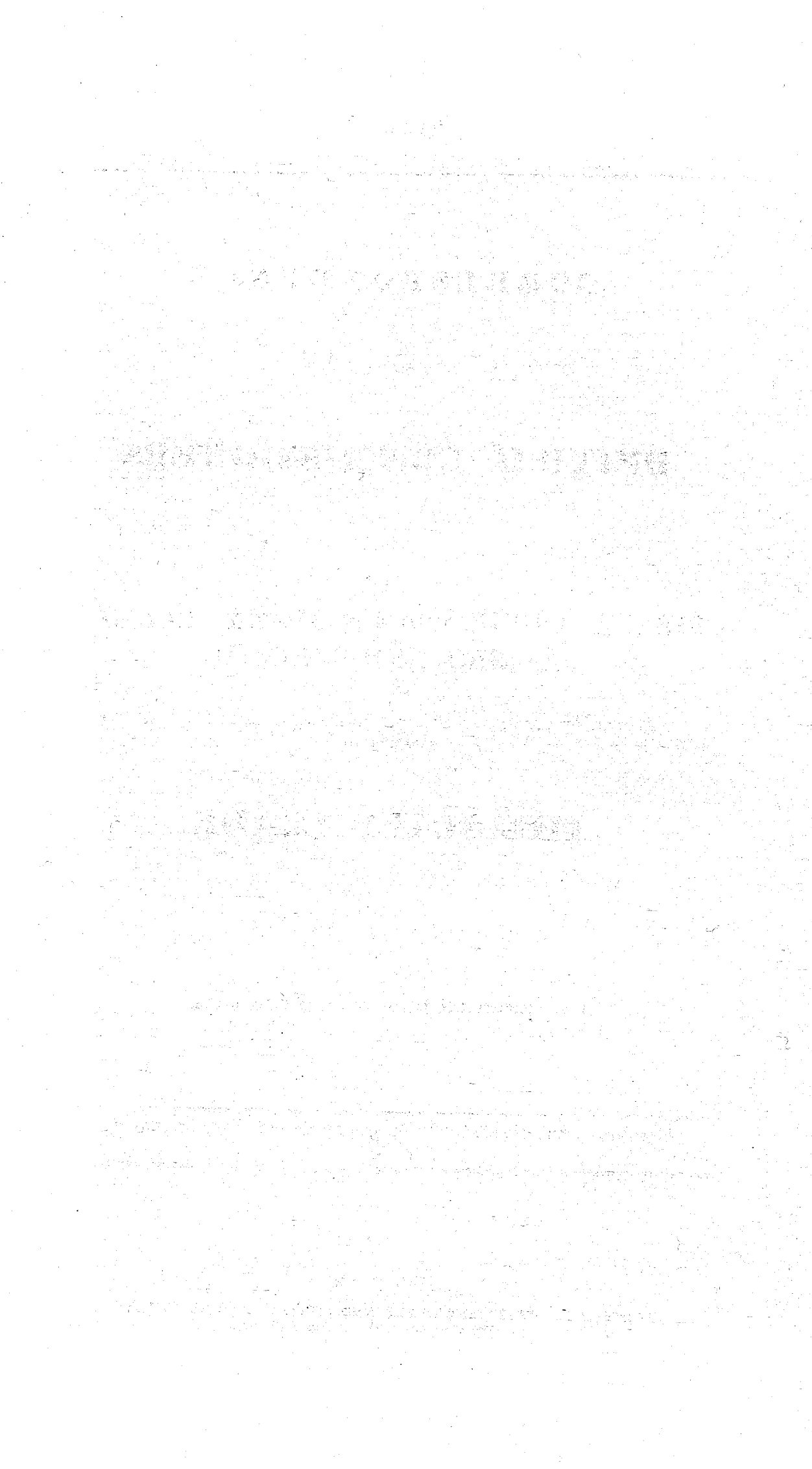
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FOR HER MAJESTY'S STATIONERY OFFICE.

1843.



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CORRESPONDENCE

WITH

BRITISH COMMISSIONERS.

SIERRA LEONE. (General.)

No. 1.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 23, 1841.

(Received January 13, 1842.)

MY LORD,

ON the 5th July last we forwarded to Captain Denman, the officer in command of the Sierra Leone squadron, extracts of two letters which we had received from Her Majesty's Consul at the Cape de Verde Islands, bearing date respectively on the 6th of April and 10th of May last, in which Mr. Rendall represented that the neighbourhood of Cape Blanco was at that time resorted to by foreign slave dealers for the objects of the illicit traffic.

In communicating this report to Captain Denman, we mentioned that somewhat similar information had been received by us some time previously, the particulars of which would be found at pp. 4 to 8, Class A (further series) of the Parliamentary Papers on Slave Trade for the year 1837.

We have now the honour to enclose for your Lordship's information a copy of Captain Denman's reply and the enclosure therein, which we received on the 11th instant, and beg leave to draw your Lordship's attention to Captain Denman's statement that his station extends only to the Cape de Verde, and that his squadron, which consists of but four vessels, was so fully occupied as not to leave him a disposable cruiser to send to Cape Blanco.

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. 1.

Commander Denman to Her Majesty's Commissioners.

GENTLEMEN,

*Her Majesty's Sloop "Wanderer,"
Off Sinou, September 29, 1841.*

I HAVE the honour to acknowledge the receipt of your letter of the 5th of July, and to return you my thanks for the valuable information contained in the enclosures respecting the Slave Trade of Bissao.

With reference to Mr. Consul Rendall's statement of the existence of Slave Trade at Cape Blanco, I beg to inform you that my station extends only to Cape Verde; but I would nevertheless despatch a vessel to ascertain the fact, could I possibly spare one without certain injury to the service in this quarter, at least equal to any advantage likely to be gained by her presence at Cape Blanco.

The only opportunity of inquiring into the statement alluded to, is afforded during the gum season at Portendick, for the protection of which I am instructed to detach a cruiser; and accordingly on sending the "Termagant" on that service during the current year, I directed Lieutenant Seagram to take every opportunity of obtaining information relative to the existence of Slave Trade to the northward of Cape Verde.

CLASS A.

I forward a copy of that officer's report upon the subject, though from the circumstances he details I have arrived at a different conclusion from him, and am of opinion, that very probably slaves are exported from Cape Blanco, in the neighbourhood of which are many places from whence slaves might be readily embarked, and more particularly considering the proximity of the Canary Islands, the inhabitants of which are notoriously engaged in the Slave Trade.

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

I have, &c.
(Signed) JOSEPH DENMAN, *Commander.*

Second Enclosure in No. 1.

Lieutenant Seagram to Commander Denman.

Her Majesty's Brig "Termagant,"
Gambia, July 27, 1841.

SIR,

I HAVE the honour to inform you, that from all the inquiries I have been enabled to make according to your instructions relative to the Slave Trade existing to the northward of Senegal towards Cape Blanco, that such a trade does not exist; that natural obstacles, the almost impossibility of transport, the want of supplies or means of communication with vessels through the very heavy surf, and the migratory habits of the Moors, must always prevent its being carried on but with the greatest difficulty, or with anything like success.

The Moors trade greatly in slaves, not a family, however poor, being without one or more; they are purchased for domestic purposes, and from what I could gather, without the most remote idea of selling them out of their country.

I have, &c.
(Signed) HENRY F. SEAGRAM,
Lieutenant and Commander.

The Hon. Joseph Denman,
&c. &c. &c.

No. 2.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, October 30, 1841.

(Received January 13, 1842.)

MY LORD,

WE had the honour yesterday of receiving the Despatch of the 3rd ultimo, addressed to us by Viscount Palmerston, acknowledging the arrival in England of our Despatches up to that of the 8th of June last, and communicating to us that the Queen had been pleased to confer the Seals of the office of Her Majesty's Principal Secretary of State for Foreign Affairs on your Lordship, to whom we are in future to address our despatches and letters on public business.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 3.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, December 31, 1841.

(Received March 19, 1842.)

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 Portuguese schooner-boat "*Formigo*" was the only vessel which came before us with negroes on board, from which there were 16 slaves emancipated, all of whom were registered here.

We have, &c.
(Signed) M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

Enclosure in No. 3.

Portuguese Schooner Boat "Formigo."

REGISTER of SLAVES, natives of Africa, captured on board the said vessel, by Her Britannic Majesty's ship "Iris," William Tucker, Esq., captain, and emancipated by Decree of the British and Portuguese Court of Mixed Commission, established in this Colony of Sierra Leone, on the 18th day of December, 1841; the said Schooner Boat having on the day aforesaid been pronounced liable to Confiscation, and accordingly condemned by the said Commission, for having been at the time of the seizure thereof engaged in the Illicit Traffic in Slaves.

No.	Name.	Sex.	Age.	Stature.		Description.
				Feet.	In.	
52,162	Manoel . . .	Man	30	5	3½	Scars on face.
	Bround . . .	,,	38	5	1	Tattooed on belly and back.
	Moelay . . .	,,	29	5	4	Do. breast and belly.
52,165	Cumba . . .	Woman	34	4	11½	Do. forehead and temples.
	Borngo . . .	Boy	12	4	1½	No marks.
	Painda . . .	,,	10	3	9½	Do.
	Mahbarber . .	,,	8	3	5	Do.
52,170	Egolu . . .	,,	9	3	7	Tattooed on back and belly.
	Echambah . .	,,	9	4	5½	No marks.
52,171	Sardongo . . .	,,	9	3	5½	Do.
52,172	Egobah . . .	,,	8	3	7½	Do.
	Bosango . . .	,,	10	3	10	Do.
52,175	Egoola . . .	,,	9	3	5	Do.
	Bongoh . . .	,,	10	3	7	Do.
52,177	Futu . . .	Girl	13	4	6	Do.
	Bandy . . .	,,	7	3	3	Do.

ABSTRACT.

	Number Registered.	Number died before Registration, but emancipated.	Number Emancipated.	Remarks.
Formigo	16	..	16	
	16	..	16	

Mem.—Number registered up to the 30th June, 1841 52,161
Do. from the 1st July to the 31st December, 1841 16

52,177

No. 4.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, December 31, 1841.

(Received March 19, 1842.)

MY LORD,

WE have the honour to enclose herewith a list of all the cases adjudicated during the year 1841, 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.

The number of vessels adjudicated during the year was 22, all of which were cases of condemnation; one only of these was prosecuted in the British and Portuguese Court, 11 in the British and Spanish Court, and 10 in the British and Brazilian Court. Two other vessels captured under the Brazilian flag, and now in this harbour, still remain for trial, and will appear in the list of next year.

Three hundred and six slaves were emancipated during the year, all of whom were registered here.

The total number of vessels adjudicated by the Mixed Commissions since their establishment in this colony in June, 1819, up to the present date, is 447; of this number 22 were cases of restoration to the claimant.

During the same period there have been emancipated by these Courts 59,837 slaves, of whom only 52,177 have been registered here.

Of the 22 vessels which came before the Mixed Courts during this year, two only had slaves on board; one, a Spanish vessel under Portuguese colours, shipped her living cargo at Whydah; the other, a Portuguese boat, embarked her slaves at Cape Lopez.

Eleven out of the 22 slave-vessels were employed for the island of Cuba; one for the island of St. Thomas; nine for the ports of Rio de Janeiro and Bahia; and of one, though evidently engaged in the Brazilian trade, we are unable to state the ultimate destination, owing to the absence of ship's papers, and of other evidence calculated to throw light on that point.

Of the 11 vessels employed in the Cuba Slave Trade, four only bore the Spanish flag; these had respectively cleared out from Havana, St. Jago de Cuba, Cadiz, and the Cape Verdes: the remaining seven all sailed under the Portuguese flag, and from the port of Havana.

The 10 vessels engaged in the Brazilian Slave Trade were all cases of equipment only; one bore the flag of Portugal, and cleared from Rio de Janeiro; the remaining nine all sailed under Brazilian colours; eight of them belonged to Rio and Bahia; the other had no papers on board to indicate her particular port.

The destinations on this coast of the 11 vessels in the Cuba trade were, one for Bissao, four for the slave marts between Sierra Leone and Cape Palmas, four for the Bights of Benin and Biafra, and two for the Portuguese settlements south of the Equator.

Of the 10 Brazilian vessels, four were for the slaving ports in the Bight of Benin, five for places to the southward of the Line, and the tenth, in the absence of evidence to the contrary, was probably to have shipped her slaves in the neighbourhood of Benguela, where she was captured.

The only vessel prosecuted in the Portuguese Court of Mixed Commission was the schooner boat "*Formigo*," belonging to St. Thomas, off which island she was fallen in with and captured on her return with slaves from Cape Lopez.

The number of vessels tried in these Courts of Mixed Commission during the past year has not equalled that in the preceding. Several captures have, however, been made by British cruisers of vessels under the Act 2nd and 3rd Vict., cap. 73, which have been taken into the Vice-Admiralty Courts of Sierra Leone, St. Helena, the Cape of Good Hope, and elsewhere; but we have no means of stating with any degree of accuracy the numbers or particulars of those seizures. On the whole, we are not of opinion that there has been any material difference in the total number of vessels captured during the two years, though we are disposed to think that the actual number of slaves shipped during the respective periods was less in 1840 than in 1841.

The numerous seizures last year of vessels under the American flag have probably had the effect of inducing slavers to trust rather to chance and good sailing, and to save themselves the trouble and expense of assuming a character which has so often proved an insufficient screen for their proceedings; there has been consequently, we think, a more frequent resort made latterly to the flag of Brazil and of Portugal.

Causes for the decrease in the number of slaves seized will be found in the destruction or abandonment of slave factories at Gallinas, Rio Pongas, and New Sesters, which have not yet had time to be fully re-established, in the strict blockade which has been kept up so far as practicable by Her Majesty's vessels of war at the Gallinas and other notorious slave marts, and in the general activity and vigilance of the British cruisers employed in the repression of the Slave Trade.

By information received from Her Majesty's Consul at Cape Verdes, we learn that those islands have, during the last two years, not unfrequently been used as depôts for slaves conveyed thither in small vessels from Bissao, Cacheo, and places on the main land, and in that vicinity; and when a sufficient number has thus been collected, the slaves appear to have been carried off by vessels equipped for the purpose, which cruise off and on in the neighbourhood, being afraid of lying for any length of time at the islands lest they should be captured by a British man-of-war. These vessels are stated to be mostly under the Spanish and Portuguese flags; and it is reported that those of the

former nation, on their arrival off Porto Praia, Bona Vista, before coming to anchor, communicate with the Spanish Consul by signals, and, it would appear, act according to the information thus received from the Consulate; and it is further alleged that when slave vessels do enter the ports of these islands they are allowed both ingress and egress without the law of Portugal being strictly carried into effect in regard to them. It is probable that the chief supply obtained in this manner is destined for the island of Cuba; not, however, exclusively so, for in April and November, 1840, two Brazilian vessels are reported to have carried off a large number of slaves collected by them from the different islands of Sal, Bona Vista, and St. Jago.

The connivance of the Governor of the Cape Verdes at such proceedings is, unfortunately, not to be doubted; it even appears that the Government schooners "*Constitucão*" and "*Bona Vista*" were employed in 1840 in that very occupation of conveying slaves from the main land to the islands.

The Cape Verdes seem, from our latest information, to continue to be frequented by slave vessels on their way to the coast for their illicit cargoes; these are chiefly under the Spanish and Portuguese flags; and such vessels occasionally take (whilst waiting for their human cargoes) any legitimate employment which may present itself, and such, though their character be notorious, they are represented to obtain readily in preference to British ships, the Government itself having occasionally freighted vessels of this description.

Our obliging correspondent to the northward, in a communication which he addressed to us in April last, expresses an opinion that the destruction of the slave stores at Gallinas will probably increase the Slave Trade at Pongas and Bissao; we have not, however, received any information to lead us to suppose that an actual increase in the traffic has taken place at either of those slave marts, though we have reason to believe that at Bissao it continues in full activity. We have been given to understand that a very considerable number of slaves has been shipped by the notorious Kyetan during the past year; part direct for Cuba, and part for the same ultimate destination, but (for the sake of greater security) by way of the Cape Verde Islands; and it appears also that in this employment Kyetan makes use of very small vessels, which it is difficult for a cruiser to get at.

An interesting communication which we have received from our correspondent alluded to, and of which we enclose an extract, would seem to establish the fact that the Slave Trade is carried on in the river Cazamança to a considerable extent by a French slaving company.

In their last annual report Her Majesty's Commissioners, alluding to the destruction of slave-factories at the Gallinas, expressed an opinion that those measures of hostility having been conducted by the native chiefs, so considerable a feud must have arisen between them and the slave-dealers, that the reformation of similar establishments, for a considerable period at least, was rendered highly improbable. We regret, however, to be obliged to say that this opinion has not been borne out by the result. We have received information that during last rains no less than three slave-factories were settled in the Gallinas, whither the factors and goods had been conveyed in an American vessel. We have not yet heard, however, of any shipment of slaves from that place.

We have also with much concern learnt that the slave-factory at New Sesters, formerly belonging to Theodore Canot, which Her Majesty's Commissioners had hoped would have ceased to exist in consequence of Canot's professed abandonment of the trade, has been re-established by the well-known José Urresti, who is said to have sent off a small cargo of slaves during the last rains, but has since then, we believe, been closely blockaded by Her Majesty's brig "*Termagant*."

To the southward of the line the Slave Trade appears to be still carried on with great activity; in the early part of this year one British cruiser (Her Majesty's brig "*Brisk*"), in the short space of five weeks captured no less than four vessels (three with slaves) and ran a fifth on shore. The result of similar activity on the part of the squadron has, however, no doubt diminished the exportations, and produced a considerable falling off in the traffic in that quarter. Ambriz, for instance, which is said to have formerly shipped about

1000 per month, is now stated to have been able between the months of October, 1840, and April last, to run only a single cargo of 127 slaves.

A very considerable number of the captures now made to the southward of the equator being under the Portuguese flag, and consequently in general sent to Vice-Admiralty Courts nearer than Sierra Leone to the place of detention, and the unfrequency of the visits to Sierra Leone of Her Majesty's vessels cruising to the southward, are circumstances which will account for our being unable to afford such full information as we could wish respecting the state of trade in that quarter.

We have, &c.
(Signed) M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

SIERRA LEONE. (General.)

First Enclosure in No. 4.
A List of Cases adjudicated in the Courts of Mixed Commission established at Sierra Leone between the 1st day of January and the 31st day of December, 1841.

Number of Cases adjudicated between June, 1819, and 31st of December, 1841.	Number of Vessels liberated between June, 1819, and 31st of December, 1841.	Number of Cases adjudicated between 1st of January and 31st of Dec., 1841.	Nation.	Name of Vessel.	Class.	Whether Condemned or Liberated.	Number of Slaves on Board at the Time of Capture.	Number of Slaves emancipated.	Number of Slaves emancipated and registered.	REMARKS.
426	22	1	SPANISH.	Recurso	Schooner	Condemned	Total of slaves emancipated and registered here between June, 1819, and 1st of January, 1841 51,871 Total of slaves emancipated and not registered here between June, 1819, and 1st of January, 1841, for reasons assigned in previous returns 7,660 Total of slaves emancipated between 1st of January, and 31st of December, 1841 306
427	..	2	1	Boâ Uniao . . . . .	"	"	..	..	..
428	..	3	2	San Paulo de Loando . . . . .	"	"	..	..	..
429	..	4	3	Urraca . . . . .	"	"	..	..	..
430	..	5	4	Republicano	Brig. . . . .	"	..	..	..
431	..	6	5	Liberal	Schooner . . . . .	"	..	..	..
432	..	7	6	Josephina	Brigantine	"	291	290	290	
433	..	8	7	Amalia	Schooner . . . . .	"	..	..	..
434	..	9	8	Numantina . . . . .	"	"	..	..	..
435	..	10	9	Erculos	Brigantine . . . . .	"	..	..	..
436	..	11	10	Paz	Schooner . . . . .	"	..	..	..
437	..	12	11	Formigo	Schooner Boat	"	18	16	16	
438	..	13	12	Feliz Ventura	Brig . . . . .	"	..	..	..
439	..	14	13	Bellona	Schooner . . . . .	"	..	..	..
440	..	15	14	Nova Inveja	Brigantine . . . . .	"	..	..	..
441	..	16	15	Bom Fim	Schooner . . . . .	"	..	..	..
442	..	17	16	Juliana . . . . .	"	"	..	..	..
443	..	18	17	Orozimbo	Brig . . . . .	"	..	..	..
444	..	19	18	Firmé	Brigantine . . . . .	"	..	..	..
445	..	20	19	Nova Fortuna	Polacca . . . . .	"	..	..	..
446	..	21	20	Flor d'America	Schooner . . . . .	"	..	..	..
447	..	22	21	Donna Elliza	Brigantine . . . . .	"	..	..	..
			10				309	306	306	Grand total number registered here up to this day 52,177
										Grand total of slaves emancipated at Sierra Leone between June, 1819, and 31st of Dec., 1841 59,837 Of which number there has not been registered here, as appears in the previous returns 7,660

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

(Signed) C. B. BIDWELL, Registrar.

Sierra Leone, 31st December, 1841.

Second Enclosure in No. 4.

Extract of a Letter, dated Rio Nunez, April 7th, 1841.

It has frequently come under my observation that the French traders at this place purchase slaves, and ship them off, two or three at a time, to Goree and Senegal, by the numerous small colonial vessels which visit this river; 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 *fourteen and twenty-one 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. I have heard but lately, with some surprise, that the purchasing of slaves is not only countenanced by the Governments of Goree and Senegal, but that the traffic receives support from the authorities there.

At the new French settlement on the River Cazamanza, the trade is there 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 their gold, slaves, &c., they naturally give those factories the preference; and this they can do at the French factories on the Cazamanza, 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 merchandise 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: 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 convey 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*. Had I not received this information from the best authority I could not have believed the French Government capable of such a violation of their treaty engagements, and of their own laws for the abolition of the Slave Trade.

No. 5.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, January 8th, 1842.**(Received March 19.)*

MY LORD,

I REGRET to have to acquaint your Lordship that the state of extreme ill health into which Mr. Lewis has fallen, obliged him on the 4th instant to altogether relinquish attending to business.

Mr. Lewis's duties have since been performed by the Lieutenant-Governor, Mr. Fergusson, who had previously acted for Mr. Lewis during his recent absence at Ascension.

I have, &c.
(Signed) M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 6.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, January 20th, 1842.**(Received March 19.)*

MY LORD,

THE extremely severe illness of Mr. Lewis, I am sorry to have to acquaint your Lordship, has confined him to his bed for some weeks past; in fact since the 5th instant he has been unable even to sign his name.

Mr. Lewis has been ordered home by his medical attendant, so soon as ever his strength will admit of his being removed; and I regret to be obliged to add that there is no prospect whatever of his being able to resume any portion of his duties within a reasonable period.

I have in consequence thought it advisable to avoid further delay in transmitting to your Lordship the annual and half-yearly returns, due on the 31st ultimo, although none of the despatches enclosing those periodicals have been signed by Mr. Lewis, and the five returns for the British and foreign proportions of the contingent expenses for the last year are necessarily, for the same reason, signed only by me.

I trust that this explanation of the absence of Mr. Lewis's signature will prove satisfactory to your Lordship.

I have, &c.
(Signed) M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 7.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, January 22nd, 1842.
(Received March 19.)

MY LORD,

WE regret to have to acquaint your Lordship that Mr. Charles Benjamin Jones, the acting Marshal to the Mixed Courts, died here on the 6th instant, after a short illness.

On the 20th instant Mr. Richard James Fisher, one of the merchants of this place, was appointed by us, with the consent of our Brazilian colleagues, to the acting Marshalship.

Mr. M'Foy, one of the Surveyors of the Court, and the late Mr. Jones's deputy during his illness, performed the duties of acting Marshal up to the date of Mr. Fisher's appointment to that office.

We have, &c.
(Signed) W. FERGUSSON.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 8.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, January 22, 1842.
(Received March 19.)

MY LORD,

WE have the honour to inform your Lordship that Mr. Rhys, surgeon of the Third West India regiment, having applied for the situation of Translator to the Courts of Mixed Commissions, and having proved to the satisfaction of the British and Foreign Commissioners his competency to translate the Portuguese and Spanish languages, we appointed Mr. Rhys on the 10th instant to the office of acting Translator to the Mixed Courts, his appointment being assented to by the Brazilian Commissioners.

We have, &c.
(Signed) W. FERGUSSON.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 9.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, January 23, 1842.**(Received March 19.)*

MY LORD,

It becomes our painful duty to acquaint your Lordship with the decease of Mr. Lewis, Her Majesty's Commissary Judge, who expired at his residence in this colony at two o'clock this morning.

We have, &c.

(Signed)

W. FERGUSSON.
M. L. MELVILLE.*The Right Hon. the Earl of Aberdeen, K.T.*

&c.

&c.

&c.

No. 10.

(Circular.) The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 23, 1842.

I HEREWITH transmit to you for your information a printed copy of a Treaty which I signed on the 20th of December, 1841, on the part of Her Majesty, with the Plenipotentiaries of Austria, France, Prussia, and Russia, for the suppression of Slave Trade.

The Ratifications of this Treaty on the part of Austria, Prussia, and Russia were exchanged against those of Her Majesty on the 19th of February, 1842.

I am, &c.

(Signed)

ABERDEEN.

Her Majesty's Commissioners,

&c.

&c.

&c.

Memorandum.

This Circular was likewise sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; Her Majesty's Ambassadors at Paris, Vienna, St. Petersburg, and Constantinople; Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Dresden, Hanover, the Hague, Brussels, Frankfort, Stutgardt, Munich, Berne, Turin, Florence, Naples, Madrid, Lisbon, Athens, Persia, Washington, Mexico, Rio de Janeiro, and Buenos Ayres; Her Majesty's Chargés d'Affaires in Venezuela, Bogotá, Chile and Hamburg; Her Majesty's Consuls-General at Odessa, in the Austrian States, in Egypt, Tripoli, Tunis, Tangier, and Monte Video; and Her Majesty's Consuls at Bolivia, St. Petersburg, Archangel, Riga, Libau, Wiborg, Danzig, Amsterdam, Rotterdam, Antwerp, Lisbon, Cadiz, Genoa, Leghorn, the Azores, the Canary Islands, the Cape Verd Islands, New York, Boston, Philadelphia, Baltimore, Charleston, New Orleans, Havana, St. Jago de Cuba, Hayti, Tampico, San Salvador, Guatemala, Guayaquil, Pará, Maranham, Pernambuco, Bahia, and Rio de Janeiro.

No. 11.

*Mr. Melville to the Earl of Aberdeen.**Sierra Leone, February 2, 1842.**(Received April 15.)*

MY LORD,

I HAVE the honour to acquaint your Lordship that Colonel George Macdonald, appointed to the Government of this colony, arrived here on the night of the 30th ultimo, was sworn in as Governor on the following morning, and on the 1st instant took the oaths of office as Her Majesty's Acting Commissioner in the several Mixed Courts.

I have, &c.

(Signed)

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 12.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, February 2, 1842.**(Received April 15.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 21st of December last, transmitting to us for our information a copy of a letter from the Admiralty, enclosing a statement made by Captain

Tucker on the subject of the improper removal of articles from on board captured vessels; and from which we learn that Captain Tucker, as senior Officer on this station, and in obedience to the orders of the Lords of the Admiralty, has issued instructions to the captains, commanders, and lieutenants under his command, with a view to prevent a repetition of such irregularities as those which took place in respect to the vessels "*Claudina*" and "*Sirena*," and which were reported in the Despatches of Her Majesty's Commissioners of the 6th and 7th of October, 1840.

We have, &c.
(Signed) G. MACDONALD.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 13.

The Earl of Aberdeen to Mr. Melville.

SIR,

Foreign Office, May 10, 1842.

I HEREWITH transmit to you four Instruments bearing date the 12th ultimo, by which Her Majesty has been pleased to appoint you to be Her Majesty's Commissary Judge in 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 Slave Trade, and pursuant to the several Acts of Parliament for carrying those Treaties and Conventions into effect.

At an early opportunity after the receipt of this Despatch, but before you enter on your duties in the character assigned to you in Her Majesty's Commissions of Appointment, you will take in due form the oaths prescribed to you by the enclosed Instruments, and by the Acts of Parliament under which you are appointed.

You will announce your appointment to the Foreign Members of the Mixed Courts destined to act with you under the Treaties and Conventions above referred to.

You will follow strictly 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 whenever they shall appear necessary for your guidance.

I am, &c.
ABERDEEN.

M. L. Melville, Esq.
&c. &c. &c.

(Signed)

No. 14.

(Circular.) The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 12, 1842.

I TRANSMIT herewith to you, to be placed among the archives of your office, a copy of a memoir drawn up by Mr. Bandinel, of this office, containing an account of steps taken by the British Government towards effecting the extinction of the Trade in Slaves from Africa.

I am, &c.
(Signed) ABERDEEN.

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

Memorandum.

This Circular was likewise sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; to Her Majesty's Ambassadors at Paris, Vienna, St. Petersburg, and Constantinople; to Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Hanover, Dresden, the Hague, Brussels, Frankfort, Stutgardt, Berne, Munich, Madrid, Lisbon, Turin, Florence, Naples, Athens, Teheran, Washington, Mexico, Rio de Janeiro, and Buenos Ayres; to Her Majesty's Chargés d'Affaires in Venezuela, Bogotá, Chile, and Hamburg; to Her Majesty's Consuls-General at Odessa, Havana, Trieste, Constantinople, in Syria, in Egypt, Tripoli, Tunis, Algiers, Tangier, and Monte Video; and to Her Majesty's Consuls at St. Petersburg, Stockholm, Christiana, Elsinore, Danzig, Leipzig, Amsterdam, Rotterdam, Antwerp, Paris, Calais, Havre, Brest, Nantes, Bordeaux, Marseilles,

Bilboa, Coruña, Cadiz, Malaga, Carthagena, Alicante, Barcelona, Teneriffe, St. Jago de Cuba, Lisbon, Oporto, Madeira, St. Michael's, Cape Verd, Genoa, Cagliari, Leghorn, Ancona, Naples, Palermo, Messina, Trieste, Patras, Salonica, Smyrna, Erzeroom, Janina, Damascus, Aleppo, Candia, Alexandria, Portland, Boston, New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, New Orleans, Mexico, Tampico, Vera Cruz, San Salvador, Hayti, Carthagena, Panama, Guayaquil, Rio de Janeiro, Maranham, Pará, Buenos Ayres, Lima, and Cochabamba.

No. 15.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, March 24, 1842.**(Received May 30.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 31st of December last, transmitting to us for our information a copy of instructions issued on the 7th of December last, by the Lords Commissioners of the Admiralty, to the Admiral commanding Her Majesty's naval forces on the Cape of Good Hope and West India stations, and to the Senior Officer on the western coast of Africa and the Brazils.

We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed)

G. MACDONALD.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 16.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, March 28, 1842.**(Received May 30.)*

MY LORD,

WE have the honour to acknowledge your Lordship's Despatch of the 30th of October, 1841, accompanying twelve copies of papers relating to the Slave Trade, which were presented to Parliament by Her Majesty's command during the last session.

We have, &c.

(Signed)

G. MACDONALD.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 17.

(Circular.) The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 5, 1842.

I HEREWITH transmit to you for your information six copies of a Treaty concluded at Monte Video on the 13th of July, 1839, between Her Majesty and the Oriental Republic of the Uruguay, for the abolition of the traffic in slaves.

The Ratifications of this Treaty were exchanged at Monte Video on the 21st of January, 1842.

I am, &c.

Her Majesty's Commissioners,

(Signed)

ABERDEEN.

&c.

&c.

&c.

Memorandum.

This Circular was likewise sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; to Her Majesty's Ambassadors at Paris, Vienna, St. Petersburg, and Constantinople; to Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Dresden, Hanover, the Hague, Brussels, Frankfort, Stutgardt, Munich, Berne, Turin, Florence, Naples, Madrid, Lisbon, Athens, Persia, Washington, Mexico, Rio de Janeiro, and Buenos Ayres; to Her Majesty's Chargés d'Affaires at Hamburg, Bogotá, Caracas, Valparaiso, and Texas; to Her Majesty's Consuls-General in Syria, Egypt, Tripoli, Tunis, Algiers, Tangier, Trieste, Monte Video, Odessa, Havana, and Constantinople; and to Her Majesty's Consuls at San Salvador, Hayti, Guayaquil, Lima, Bolivia, St. Petersburg, Stockholm, Elsinore, Danzig, Amsterdam, Rotterdam, Antwerp, Calais, Havre, Brest, Marseilles, Cadiz, Malaga, Teneriffe, St. Jago de Cuba, Lisbon, Oporto, Madeira, St. Michael's, Cape Verdes, Naples, Portland, Boston, New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, New Orleans, Mexico, Rio de Janeiro, Maranham, Pará, Pernambuco, Bahia, Paraiba, Buenos Ayres, and Bolivia.

No. 18.

The Earl of Aberdeen to Mr. Melville.

SIR,

Foreign Office, July 7, 1842.

I HAVE to inform you that Her Majesty has been pleased to appoint Mr. James Hook to be Commissioner of Arbitration on the part of Great Britain in the Mixed British and Foreign Courts established at Sierra Leone under treaties with foreign powers for the suppression of Slave Trade.

Mr. Hook has been directed to wait upon you on his arrival at Sierra Leone. You will take an early opportunity after his arrival to introduce him to the Governor, in order that he may take the prescribed oaths, and enter upon the duties of his office without delay.

M. L. Melville, Esq.
&c. &c. &c.

I am, &c.
(Signed) ABERDEEN.

No. 19.

(Circular.) The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 14, 1842.

I HEREWITH transmit to you for your information six copies of a Treaty concluded at Sucre on the 23d of September, 1840, between Her Majesty and the Republic of Bolivia, for the abolition of the traffic in slaves.

The ratification of this Treaty on the part of the Republic of Bolivia has been received by Her Majesty's Government; and Her Majesty's Ratification of it has been transmitted to Her Majesty's representative in Bolivia, to be delivered to the Bolivian Government.

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

I am, &c.
(Signed) ABERDEEN.

Memorandum.

This Circular was likewise sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; to Her Majesty's Ambassadors at Paris, Vienna, Constantinople, and St. Petersburg; to Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Dresden, Hanover, the Hague, Brussels, Frankfort, Stutgardt, Munich, Berne, Turin, Florence, Naples, Madrid, Lisbon, Athens, Washington, Mexico, Rio de Janeiro, and Buenos Ayres; to Her Majesty's Chargés d'Affaires at Hamburg, Bogotá, Caracas, Valparaiso, and Texas; to Her Majesty's Consuls-General in Syria, Persia, Egypt, Tripoli, Tunis, Algiers, Tangier, Trieste, Monte Video, Odessa, Havana, and Constantinople; and to Her Majesty's Consuls at Hayti, San Salvador, Guayaquil, Cochabamba, St. Petersburg, Stockholm, Elsinore, Danzig, Amsterdam, Rotterdam, Antwerp, Calais, Havre, Brest, Marseilles, Cadiz, Malaga, Teneriffe, St. Jago de Cuba, Lisbon, Oporto, Madeira, St. Michael's, Cape Verds, Naples, Portland, Boston, New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, New Orleans, Rio de Janeiro, Maranham, Pará, and Pernambuco.

No. 20.

(Circular.) The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 5, 1842.

I HEREWITH transmit to you for your information six copies of a Treaty between Her Majesty and the Republic of Texas for the suppression of the African Slave Trade, signed at London on the 16th of November, 1840.

The Ratifications of this Treaty were exchanged at London on the 28th of June, 1842.

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

I am, &c.
(Signed) ABERDEEN,

Memorandum.

This Circular was likewise sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; to Her Majesty's Ambassadors at Paris, Vienna, St. Petersburg, and Constantinople; to Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Dresden, Hanover, the Hague, Brussels,

Frankfort, Stutgardt, Munich, Berne, Turin, Florence, Naples, Madrid, Lisbon, Athens, Washington, Rio de Janeiro, and Buenos Ayres; to Her Majesty's Chargés d'Affaires, at Hamburg, Bogotá, Caracas, Valparaiso, and Texas; to Her Majesty's Consuls-General in Syria, Persia, Egypt, Tripoli, Tunis, Algiers, Tangier, Trieste, Monte Video, Odessa, Havana, and Constantinople; and to Her Majesty's Consuls at Cochabamba, Hayti, San Salvador, Guayaquil, Lima, St. Petersburg, Stockholm, Elsinore, Danzig, Amsterdam, Rotterdam, Antwerp, Calais, Havre, Brest, Marseilles, Cadiz, Malaga, Teneriffe, St. Jago de Cuba, Lisbon, St. Michael's, Cape Verds, Madeira, Oporto, Naples, Portland, Boston, New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, New Orleans, Rio de Janeiro, Maranh, Pará, Pernambuco, Bahia, and Paraiba.

No. 21.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, May 3, 1842.**(Received August 10.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 23rd of March last, transmitting to us, for our information, a printed copy of a Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade.

We have, &c.

(Signed)

G. MACDONALD.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

No. 22.

(Circular.) The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 17, 1842.

I HEREWITH transmit for your information twelve copies of a series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the recent Session, by her Majesty's command.

I am, &c.

Her Majesty's Commissioners,

(Signed)

ABERDEEN.

&c.

&c.

&c.

Memorandum.

This Circular was likewise sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; to Her Majesty's Ambassadors at Paris, Vienna, St. Petersburg, and Constantinople; to Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Dresden, Hanover, the Hague, Brussels, Frankfort, Stutgardt, Munich, Berne, Turin, Florence, Naples, Madrid, Lisbon, Athens, Washington, Rio de Janeiro, and Buenos Ayres; to Her Majesty's Consuls-General in Syria, Persia, Egypt, Tripoli, Tunis, Algiers, Tangier, Trieste, Monte Video, Odessa, Constantinople, and Havana; to Her Majesty's Consuls at Hayti, Cochabamba, San Salvador, Guayaquil, Lima, Cadiz, Teneriffe, St. Jago de Cuba, Lisbon, Cape Verds, Naples, Portland, Boston, New York, Baltimore, Philadelphia, Norfolk, Charleston, Savannah, Mobile, New Orleans, Rio de Janeiro, Maranh, Pará, Pernambuco, Bahia, and Paraiba.

No. 23.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, June 30, 1842.**(Received August 30.)*

MY LORD,

WE have the honour to acquaint your Lordship that no Slaves have been emancipated, and consequently that none have been registered by the Courts of Mixed Commission at this station during the half year ending this day.

We have, &c.

(Signed)

G. MACDONALD.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

No. 24.

Her Majesty's Commissioners to the Earl of Aberdeen.

MY LORD,

*Sierra Leone, July 4, 1842.
(Received August 30.)*

WE have been honoured with your Lordship's Despatch of the 12th of May last, transmitting to us a Memoir, drawn up by Mr. Bandinel, containing an account of the steps taken by the British Government towards effecting the extinction of the trade in Slaves from Africa.

We beg to return our best thanks to your Lordship for a work of so much interest, and so ably executed, and which we esteem a most valuable addition to the archives of our office.

We have, &c.

(Signed) M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 25.

Mr. Melville to the Earl of Aberdeen.

MY LORD,

*Sierra Leone, July 4, 1842.
(Received August 30.)*

I HAD yesterday the honour of receiving your Lordship's Despatch of the 10th of May last, transmitting to me four instruments by which Her Majesty has been pleased to appoint me to be Her Majesty's Commissary Judge in the several Mixed British and Foreign Courts of Commission established at Sierra Leone for the suppression of the Slave Trade.

In obedience to the instructions contained in those instruments, and in your Lordship's Despatch, I have this day taken the accustomed oaths of office before the Chief Justice of the Colony.

His Excellency Colonel Macdonald has also been this day sworn into office as Her Majesty's Commissioner of Arbitration, *ad interim*.

At the present moment I have no foreign colleagues here to whom to announce my appointment.

In accordance with your Lordship's directions I shall feel it my duty to follow strictly the instructions which have heretofore been given by Her Majesty's Secretary of State to my predecessors.

I have, &c.

(Signed) M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 26.

*The Earl of Aberdeen to Her Majesty's Commissioners.**Foreign Office, August 31, 1842.*

I HEREWITH transmit to you, for your information, six copies of a Treaty between Her Majesty and the Mexican Republic, for the abolition of the traffic in Slaves, signed at Mexico on the 24th of February, 1841.

The ratifications of this Treaty were exchanged at London on the 29th of July, 1842.

I am, &c.

(Signed) ABERDEEN.

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

No. 27.

*The Earl of Aberdeen to Mr. James Hook.**Foreign Office, July 7, 1842.**(Sent September 21.)*

SIR,

I HEREWITH transmit to you four instruments, bearing date the 29th ultimo, by which Her Majesty has been pleased to appoint you to be Her

Majesty's Commissioner of Arbitration in 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 Slave Trade, and pursuant to the several Acts of Parliament for carrying those Treaties and Conventions into effect.

It is desirable for the public service that you should repair to your post at your earliest convenience.

On your arrival at Sierra Leone you will wait upon Mr. Melville, Her Majesty's Judge in the above-mentioned Courts, who has received instructions to present you to the Governor of the colony, before whom you will take the prescribed oaths.

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.

James Hook, Esq.
&c. &c. &c.

I am, &c.
 (Signed) ABERDEEN.

No. 28.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 2, 1842.

WITH reference to Viscount Palmerston's Despatch of the 15th of April, 1841, transmitting to you Copies of the Treaty between Her Majesty and the Argentine Confederation for the abolition of the Slave Trade, signed at Buenos Ayres on the 24th of May, 1839, I now transmit to you, for your information, six copies of an Act of Parliament passed during the last session for carrying that Treaty into effect.

Her Majesty's Government have decided that the colony of Sierra Leone is to be the station of the Mixed Court to be established in a British possession under the provisions of the Treaty.

I herewith transmit to you a Commission under the Great Seal of the United Kingdom, bearing date the 29th ultimo, by which Her Majesty has been pleased to appoint Michael Linning Melville, Esq., to be Her Majesty's Judge, James Hook, Esq., to be Her Majesty's Arbitrator, and Charles Brooke Bidwell, Esq., to be Secretary or Registrar, under and pursuant to the said Treaty and Act of Parliament.

You will, on the receipt of this Despatch, proceed yourselves to take, and afterwards to administer to the Registrar, the oaths prescribed by the first Article of Annex B to the Treaty.

Her Majesty's Minister at Buenos Ayres has been instructed to state to the Government of the Argentine Confederation that if they should think proper to appoint a Judge and an Arbitrator to reside at Sierra Leone on the part of Buenos Ayres, arrangements will be made for their reception.

I shall lose no time in acquainting you with the determination of the Government of the Confederation on the subject, as soon as I shall have been informed thereof.

Her Majesty's Government are not yet aware whether it is the intention of the Government of the Confederation that a Mixed Court should be established in their territory; and Her Majesty's cruisers have accordingly received instructions to carry, for the present, to Sierra Leone for adjudication by the Mixed Court, established in virtue of the enclosed Commission, any Argentine vessel which may be captured under the provisions of the Treaty above mentioned.

This Treaty is substantially similar to the Treaty with Spain of the 28th of June, 1835, under which you are already acting; and the rules which have been laid down for your guidance under that Treaty, and the instructions addressed to you by the Secretary of State on all questions which have arisen out of the execution of that Treaty, may be adopted as rules for your guidance in any cases of a similar nature which may arise under the Treaty with the Argentine Confederation.

You will observe by additional Article 2 to the Treaty in question, that it is agreed that so long as no judge or arbitrator shall have been nominated on the part of the Argentine Confederation, Her Majesty's Government is to bear the entire expense of the Mixed Courts. No portion, therefore, of the incidental expenses of the Court now established at Sierra Leone will for the present be chargeable to the Argentine Government.

You will transmit, in duplicate, addressed to Her Majesty's Principal Secretary of State for Foreign Affairs, an account of any proceedings that may occur under this Treaty: such Despatches are to form part of your annual series addressed to the Secretary of State, and are to be numbered accordingly; but they will be distinguished by the words "Argentine Confederation" prefixed in the margin of the Despatch.

You will address to this department half-yearly returns as to cases adjudicated under the Treaty with the Argentine Confederation, similar to those which you are required to make under other Treaties, and you will from time to time receive from Her Majesty's Secretary of State any further instructions for your guidance which circumstances may render necessary.

I am, &c.

(Signed)

ABERDEEN.

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

No. 29.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, September 19, 1842.

(Received November 17.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 5th of July, transmitting to us, for our information, six copies of a Treaty concluded between Her Majesty and the Oriental Republic of the Uruguay, for the abolition of the traffic in slaves.

We have, &c.

(Signed)

M. L. MELVILLE.

G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 30.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, September 19, 1842.

(Received November 17.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 14th of July last, transmitting to us, for our information, six copies of a Treaty concluded between Her Majesty and the Republic of Bolivia, for the abolition of the traffic in slaves.

We have, &c.

(Signed)

M. L. MELVILLE.

G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

SIERRA LEONE. *(Spain.)*

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 23, 1841.

(Received January 13, 1842.)

MY LORD,

On the 20th instant we were honoured with the receipt of your Lordship's Despatch of the 25th of August last, enclosing a copy of the Havana Commissioners' report on the Slave Trade for the month of May last; for which communication we beg leave to offer our thanks to your Lordship.

We have observed with much satisfaction that the late monthly reports from the Commissioners at Havana exhibit a marked diminution in the number of slave vessels in communication with that port; and also that Portuguese ships' papers will be no longer obtainable in that quarter, through the discontinuance, for the present, of the office of consul to her Most Faithful Majesty at Havana.

We have, &c.

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

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

&c.

&c.

&c.

No. 32.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, October 30, 1841.

(Received January 13, 1842.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 11th of September last, transmitting to us 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 June last.

Of the four vessels mentioned to have cleared out from Havana for Montevideo during the month of June last, but which Her Majesty's Commissioners state in their Despatch they have no doubt had sailed for the coast of Africa, we have much pleasure in being able to report to your Lordship the capture of two, the Spanish schooner "*Numantina*," prize to Her Majesty's sloop "*Persian*," condemned here on the 12th ultimo; and the paylebot "*Paquete de Oporto*," which was captured by Her Majesty's brig "*Bonetta*," under Portuguese colours and the assumed name of the "*Acoriana Oriental*," and being a case of equipment only, was tried and condemned in the Vice-Admiralty Court, about a week since, under the Act 2 and 3 Victoria, cap. 73.

We have also heard a rumour, that the "*Gabriel*," another of the four vessels mentioned, has been seized by Her Majesty's sloop "*Acorn*," and sent to St. Helena under a charge of piracy.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 33.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, November 12, 1841.

MY LORD,

(Received January 17, 1842.)

ON the 18th ultimo the brigantine "*Erculos*," of and from Havana, and under the command of José Antonio da Silva, was detained in latitude 4° 45' South, and longitude 11° 2' East, after a chase of ten hours, by Her Majesty's ship "*Iris*," William Tucker, Esq., captain; Her Majesty's sloop "*Acorn*," Commander Adams, having been at the time in company with the "*Iris*."

The "*Erculos*" arrived in this port during the night of the 2nd instant, and on the following day her prosecution was commenced before the British and Spanish Mixed Court, as a vessel entitled to a Spanish nationality, in which character it was alleged she was illegally equipped; and these charges having been satisfactorily made out by the evidence of the master and cook of the detained vessel, she was accordingly condemned on the 10th instant.

Our report of this case we have now the honour to lay before your Lordship.

The Lisbon passport under which this vessel sailed appeared of a very doubtful character; the writing being seemingly in a disguised hand, and the Portuguese official signatures unlike those attached to similar documents issued by the same functionaries.

We have, &c.

(Signed)

WALTER W. LEWIS.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 33.

Report of the case of the Brigantine "Erculos," José Antonio da Silva Master.

Sierra Leone, November 12, 1841.

At the time of the detention of this vessel there were found on board of her the following papers:—

1. Passport bearing date at Lisbon, and signed by the Minister of Marine on the 2nd of October, 1837, which described the vessel as belonging to Oporto, owned by José Alexandre dos Santos, commanded by Antonio da Silva, and bound thence to Cabinda, touching at Maranham. By a visé on the back of this document it would appear she had been at Maranham on the 22nd of January, 1838; and by a second endorsement that she had visited Villa da Praia, Cape de Verde Islands, in September, 1840.

This passport has all the appearance of a fraudulent document. The several official certificates have evidently been written in a disguised hand, and the signatures of the Portuguese functionaries bear no resemblance whatever to those of the same individuals attached to other Lisbon passports in the archives of the Mixed Courts.

2. Muster-roll dated at Havana, August 14th, 1841, described the crew of this vessel as consisting of three officers, and thirty-three men and boys, and her destination to be Montevideo.

3. Clearance, which was dated two days subsequent to the previous document, assigned a similar destination, and showed that in addition to the requisite stores for the use of the officers and crew, in which were included sixteen bags of rice, that the captain had also embarked fifty-six sacks of rice.

4. A book of calculations; in which the latitude and longitude of the vessel on each day of the voyage had been entered, and which showed her course to have been direct from Havana to the Gaboon, and thence to the south of the Line, where she was seized.

5. Passport from the mayor of Brest for Eduarde de la Bourgonnière, of that city, to proceed to Bordeaux, dated the 3rd of September, 1828. The person named proved to be the supercargo of the "*Erculos*."

6. Private letter of Bourgonnière of July 1840, unimportant in its contents beyond showing his trading connexion with Havana at that time.

7. The receipt of Antonio Rodriguez, of Havana, dated August 15th, 1841, for four hundred and eight dollars paid by the said Bourgonnière for a chronometer; most probably that seized in the "*Erculos*."

8. Passport for a free negro, named Alphonse, to leave Gorée in the schooner "*Delphine*," for Havana, by way of Bissao, and dated 23rd of October, 1839.

The detained vessel anchored here in the night of the 2nd of November, 1841, and on the following morning, after having been reported in the usual manner by the marshal, her prosecution as a vessel with a Spanish national character was commenced before the British and Spanish Mixed Court. The ship's papers, properly authenticated, were then filed, together with the captor's declaration; the usual monition was issued; and the witnesses in preparatory ordered for examination.

The substance of the seizer's declaration was as follows:—"I, William Tucker, Esq., captain of

Her Britannic Majesty's ship "Iris," hereby declare, that on the 18th day of October, 1841, I detained at sea, in latitude 4° 45' South, longitude 11° 2' East, after a chase of ten hours from off Cabinda, in company with Her Majesty's sloop "Acorn," the Spanish brigantine named the "Hercules," sailing under Portuguese colours, and with Portuguese papers, said to have been armed with one gun, an eighteen pounder, which was thrown overboard during the chase, commanded by Don J. Antonio da Silva, who declared her to be bound from Havana to Cabinda, with a crew consisting of thirty-three men and one passenger; and 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 28th June, 1835.

"I further declare that the greater part of the crew are Spaniards, although the muster-roll states them to be principally composed of Portuguese."

On the 4th of November the registrar examined José Antonio da Silva, the master of this vessel, on the standing and special interrogatories, and received the evidence hereunder quoted:—That "he was born at Cadiz, and has lived for the last four years at Havana. Is a subject of Spain, and has never served any other State. Is unmarried. The owner of the vessel is Don Alejandro do Santos (Alexandre dos Santos), a Portuguese subject, but now carrying on business at Havana. Witness received possession from the said owner at Havana on the 12th of August last. Has known the vessel about six months, having first seen her at Havana at that time. The vessel is of American construction. Witness was present at the time of seizure. The capture took place from a suspicion that the detained vessel was engaged in the Slave Trade. The vessel sailed under Portuguese colours, and had no others on board. The name of the vessel taken is the "Hercules," by which she has been called since witness knew her. Her tonnage is one hundred and sixty tons. The crew consisted of thirty-two, officers and mariners, exclusive of witness; they are all Spaniards, and were shipped and hired at Havana in August last by witness. Neither he nor any of the officers or mariners had any interest in the vessel or lading. Was master on board. There were no passengers. The voyage began and was to have ended at Havana, the last port of clearance. Previous to capture the vessel touched at the Island of Corisco in the beginning of the month of October, for the purpose of shipping a cargo of slaves, who were to form the return cargo. One Francisco Vinent, a Spanish subject, now living at Corisco, was to have procured the said slaves. The detained vessel was captured in sight of land off Loango, in latitude 4° 45' South, and longitude 17° 20' East of Cadiz. The course was directed towards Cabinda at the time of seizure, the slaves intended for the return cargo having been taken away from Corisco by other vessels. All sail was hoisted, and every attempt made to escape capture; for this purpose the course also was altered. There are no guns mounted, and only four muskets and a small quantity of ammunition to resist any attacks from native canoes. No resistance was made at the time of capture, nor had witness any directions so to do, or to conceal or destroy any of the ship's papers. The owner of the vessel is the before-mentioned Alejandro do Santos, a Portuguese by birth, but living at Havana. Witness knows that the vessel belongs to the said Do Santos, from having received possession of her from him. Cannot say where the owner resided before living at Havana. Witness is ignorant of there being any bill of sale, of the price paid for the vessel, and of the name of the seller; but to the best of his knowledge and belief the said vessel will belong to the present owner if restored. There were no private agreements respecting the return of the vessel to her former owners. The detained vessel left Havana without any cargo, having on board only articles of slave equipment, which were shipped at Havana by the owner Do Santos. Witness cannot tell the nature of the vessel's lading on the last voyage. There was none on the present voyage. The detained vessel was brought direct to Sierra Leone after capture. On the exhibition of the ship's papers to witness, he declared that they were all true and fair. The other papers, namely, Nos. 5, 6, 7, and 8, relate to the supercargo of the vessel, Eduarde de la Bourgonnière, a Frenchman by birth. None of the papers which were on board at the time the vessel took her departure from Havana have been destroyed or concealed. To the best of witness's knowledge and belief there are no bills of lading, invoices, letters, or other writings, relative to the vessel or cargo, in any other country. There was no charter-party. He cannot say whether the vessel or lading has been insured or not. The detained vessel was under the direction of the supercargo, Monsieur Eduarde de la Bourgonnière, who was to have superintended the shipping of the slaves. The hatches are fitted with open wooden gratings, as well as with iron bars, for the confinement of the slaves. The coamings of the hatchways are bored. There were about forty-five iron bars on board intended to secure them. There are only the bulkheads of the cabin and fore-castle; on deck there are two bunks. There are no spare planks on board. A slave-deck laid fore and aft. There are about thirty pairs of shackles on board. There are 145 water-casks on board, all except one filled with fresh water for the slaves. Cannot say what quantity these casks are capable of holding. There are forty-five mess-kids on board for the use of the slaves. The vessel is provided with one large iron boiler for cooking the provisions of the slaves. There are forty-five bags of rice, two barrels of flour, about six or seven barrels of beans, principally for the use of the slaves intended for the return cargo."

José Guidotti, the cook of the detained vessel, was examined on the same day, and by his replies to the same questions as had been put to the master, confirmed the testimony of that witness in respect to the voyage being from and to Havana; the crew having been shipped in that port, and being all Spaniards; and that the vessel had illegal equipment. The cook pretended ignorance of the object with which the illegal fittings were on board the "Erculos," and declared that of the owner of the vessel, her papers, insurance, &c., he knew nothing whatever. This witness's evidence was indeed unusually limited; but as far as it went proved confirmatory of that of the master.

Publication passed in the case on the 5th of November, and on the following day a petition for the adjudication of this vessel came in, and was backed for the 10th instant, the day on which the monition, issued on the 3rd, was returnable.

At the appointed time the Court assembled, and having had publicly read the evidence which had been received, pronounced that a Spanish national character had been clearly affixed to the "Erculos," and that therefore her illegal equipment rendered her liable to condemnation, a sentence to which effect was accordingly decreed.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

No. 34.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, December 20, 1841.**(Received February 1, 1842.)*

MY LORD,

WITH reference to our Despatches of the 5th of July and of the 2nd of August last, addressed to Viscount Palmerston, on the subject of certain documents found on board the slave vessel "*Segunda Rosario*," condemned at Havana on the 18th of February, 1841, and which his Lordship had forwarded to us in his Despatch of the 12th of May last, for the purpose of our inquiring into what connexion Mr. Benjamin Campbell might have had with the slave-dealings of Mrs. Lightbourn, we now beg leave to forward to your Lordship a copy of a further communication on the same subject, which we received a few days back from Mr. Campbell.

Mr. Campbell's letter, which is dated the 10th of September, appears, from a private note which accompanied it, to have been detained at the Isles de Loss (where Mr. Campbell had left it for the purpose of being sent to Sierra Leone) in consequence of no favourable opportunity having presented itself for its transmission here.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.*The Right Hon. the Earl of Aberdeen, K.T.*
&c. &c. &c.

First Enclosure in No. 34.

Mr. Campbell to Her Majesty's Commissioners.

GENTLEMEN,

Isles de Loss, September 10, 1841.

ON my arrival here, and recovery from an attack of sickness experienced in Sierra Leone, I have been reading over the copies of my communications to you relative to a paper found on board a slave vessel, and bearing my name, which was transmitted to you by Her Majesty's Secretary of State. I perceive that I confined my explanation, in the first place, to repudiating the paper as having come from me, and, secondly, in explaining how I (holding no official appointment) had been induced, at the earnest solicitation of many free labourers roaming about in search of employment, some of them liberated Africans from Sierra Leone, to give to them certificates of their being free natives of Africa.

To the best of my recollection of the conversation which passed between us at your office relative to this paper, you mentioned that Her Majesty's Secretary of State, as well as Her Majesty's Havana Commissioners, had inferred from this paper, and some statements made by I know not whom, relative to my transactions with Mrs. Lightbourn, of the Rio Pongas, that I am of necessity implicated in her Slave Trade operations.

For the information of Her Majesty's Secretary of State, my Lord Palmerston, I beg to say, that my casual business transactions with Mrs. Lightbourn, extending over a period of sixteen years, have been confined to objects of strictly legitimate commerce, the various productions of the country, consisting of ivory, hides, wax, gold, coffee, &c. &c., in which this woman has been a considerable trader, as well as in slaves. If Her Majesty's Secretary of State has any doubt of the correctness of my statement, I am perfectly ready to meet any investigation, judicial or otherwise, he may direct to be instituted. I shall, however, take the liberty of remarking, relative to the paper in question, that both Her Majesty's Secretary of State, as well as Her Majesty's Havana Commissioners, have allowed their zeal, in this instance, to outrun their sagacity; the very appearance of the document itself, the handwriting a miserable scrawl, on a scrap of dirty common paper, added to the extreme improbability that any British subject should boldly put his name, place of abode, and occupation, to a paper in any way connected with the Slave Trade, ought rather to have led to a doubt of the genuineness of the document than to the inference drawn from it by those functionaries; and further, but for my high esteem for Her Majesty's Sierra Leone Commissioners, whose acquaintance I have long enjoyed, as well as that of Her Majesty's late Commissary Judge, Mr. Macaulay, with whom I corresponded many years, both officially and privately, relative to the Slave Trade carried on in the rivers and at the Portuguese settlements between the colony of Sierra Leone and the settlement at St. Mary's, Gambia, I should not have condescended to give any explanation whatever, for the information of my Lord Palmerston, of the paper in question, which Her Majesty's Sierra Leone Commissioners on the first sight of it could perceive never emanated from me.

So far from being implicated in Slave Trade, as my Lord Palmerston has so hastily inferred, or even abetting it, I have suffered severe losses, and am subject to incessant annoyances and extortions, from my known opposition to, and detestation of, the traffic. My establishment in the Rio Nunez has been three times fired, and property to a considerable amount destroyed; a flourishing factory I had established in the Rio Pongas was, during a broil which broke out between two Slave-trading factions there, relative to the division of the cargo of the Spanish slave-vessel "*Maria*," considered as fair game, and plundered of a considerable amount in merchandise and produce, and then burnt; and further to show how far the British factories established in the Rio Nunez are considered as abettors

even of the Slave Trade by the natives themselves, I enclose a letter of recent date which I happen to have in my writing-desk. The man named therein, Saarer, is the Chief of Kykandy, where the factories are situated; and it is certainly rather extraordinary that a brutal despot like him, ruling a country that well deserves being occupied by some civilized power, should, for a series of years, have plundered and annoyed, with almost perfect impunity hitherto, the vessels and subjects of the three most powerful maritime nations of the globe—England, France, and America—resorting to the Rio Nunez for trading purposes. When our own small squadron, stationed on this part of the coast, wholly occupied in cruising for slavers, is barely adequate to the blockade of the slave marts at the Gallinas, it is no wonder that our commerce is left to take care of itself, and British subjects, pursuing their lawful occupations, are subject to the extortions of such wretches as this Saarer.

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

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

Second Enclosure in No. 34.

Mr. L. Dellam to Mr. Campbell.

DEAR SIR,

Rio Nunez, April 16, 1841.

MRS. PROCTER begs of me to write to inform you, that she heard last evening that all the French people mustered and went to Saarer, and told him it was only on account of the English factories being here that kept the slave-vessels out of the river; but as for them they wanted to make the Slave Trade, and would do all in their power to assist Sarah, and would be able to get plenty of Guineamen to come up the river if the English people were only out of the river. In consequence of his being so very inveterate, and knowing that Captain Potter has brought salt for her, she will be obliged to let him have about twenty bushels of salt, but no more. Mrs. P. also begs of you to be on your guard, as it is Sarah's intention, as soon as ever Pimpy is come down, and all the palaver settled with the Foulah, to tell you to leave the river, as it is only you that is the reason of the men-of-war coming up this river, in consequence of what the French tell him. He has mustered the old Landamers two or three times to speak to them about driving you and the English out of the river, but as yet he has not succeeded. You will be able to judge, after this, in what manner to act, and not let them take you by surprise.

B. Campbell, Esq.

Yours, &c.
 (Signed) L. DELLAM.

No. 35.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, November 25, 1841.

(Received February 3, 1842.)

MY LORD,

WE have the honour to enclose our report of the case of the schooner "*Paz*," condemned this day in the British and Spanish Mixed Court of Justice, for being engaged in the Slave Trade.

The "*Paz*" was captured off Cape Formoso, on the 27th of September last, by Her Majesty's steamer "*Pluto*," Lieutenant William Simpson Blount Commander. She arrived here on the 17th instant, and proceedings having commenced against her on the following day, terminated, as beforementioned, in her condemnation; for, although sailing under Portuguese colours, a Spanish course of illicit traffic, and a Spanish residence of her ostensible owner, were sufficiently established to set aside all right of protection from her flag.

There was no sufficient evidence, however, that the "*Paz*" had ever been legally entitled to assume a Portuguese character; she was proved to be of American construction, was not furnished with a Portuguese passport, and the only sailing authority she had to supply its place was a paper purporting to be an official extract from the register of merchant vessels kept at the office of the Intendant of Marine at Lisbon, and which, although bearing internal evidence of having been forged, had yet passed, seemingly unquestioned, through the office of the Tuscan Consul-General at Havana, Mr. Pasqual Pluma, who appears to have affixed his signature and official seal to two several endorsements upon it.

Between the 29th of September, 1839, and the 9th of September, 1841, the "*Paz*" seems to have made four successful slaving voyages from the Havana, and she was engaged in a fifth when her illicit career was fortunately arrested.

On board of her were found two Spaniards, Guilherme Hiernandes, and Magin Freixas (y Rivalta), who, though appearing merely in the character of passengers, it was shown from the evidence were engaged in the adventure, and were to have shipped a return cargo of slaves in the river Brass.

Meliton Meaurio, the mate of this vessel, was formerly mate of the "*Recurso*," condemned by these Courts in January last; and he was also subsequently in some capacity on board the "*Echo*," condemned in the Vice-Admiralty Court of this Colony about two months afterwards.

We have, &c.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

Enclosure in No. 35.

Report of the case of the schooner "Paz," Manoel Cardozo Master.

Sierra Leone, November 25, 1841.

THE papers found on board of this vessel were—

1. A certificate, dated at Havana, on the 3rd of April, 1841, numbered 308, and bearing the signature and consular stamp of Mr. Pasqual Pluma, Consul-General for Tuscany at the Havana; that the *annexed* document, as declared on oath by the captain, Manoel Cardozo, is a true and faithful list of the crew of the Portuguese schooner "*Paz*," consisting of 34 persons, including the said master. To this official paper, however, no document is, or appears to have ever been attached. A paper indeed accompanies it, bearing the signature of the master, Manoel Cardozo, but dated at Havana, on the 6th of September, 1841, and purporting to be the muster-roll of the Portuguese schooner "*Paz*," Manoel Cardozo master, for a voyage to *Buenos Ayres*; this latter document shows a crew, consisting of the said Manoel Cardozo, master, Meliton Meaurio, second pilot, Francisco Canal, third pilot, and 34 others, in all 37 persons, besides 2 passengers, Guilherme Hiernandes and Magin Freixas.

2. A paper, purporting to be a certified extract from the register of Portuguese merchant ships kept at the office of the Intendant of Marine at Lisbon, showing that the Portuguese schooner "*Paz*," of 80 tons burthen, and of American construction, had been sold by Manuel Lopez Passos, a resident of Lisbon, as attorney for Mr. S. Orgoot, of Boston, to José Ma. Goçaves de Faria (also a resident of Lisbon), in the month of *May* of the *current* year, 1837. Singularly enough, however, this paper is dated at the Intendency of Marine of Lisbon on the 12th of *January*, 1837; four months prior to the sale which it professes to certify. On this document there are three endorsements, all purporting to bear the official stamp and the signature of Mr. Consul-General Pasqual Pluma. The first is dated at Havana, on the 17th of November, 1839, for a voyage to St. Thomas, with a crew of 19 persons, including the master, Joao Baptista Silva. The second bears date the 29th of May, 1840, for a voyage to Bonny, with a crew of 21 persons, including the *new* master, José Lopes Conde, a native of Lisbon, but does not correspond, either in signature or stamp, with the others, and is apparently a forgery. The third is dated on the 16th of October, 1840, for a voyage to the river Brass, under the command of Manoel Cardozo.

3. The clearance of the Portuguese schooner "*Paz*," commanded by Don Manoel Cardozo, bound to *Buenos Ayres*, dated at Havana, the 7th of September, 1841, and showing that some *tobacco* had been shipped on account of Don Magin Freixas, and a quantity of *rice* on account of the captain.

4. A marine passport, dated at Havana, on the 9th of September, 1841, granting permission to Magin Freixas (designated third pilot) to make a voyage to the island of St. Thomas. Accompanying this document was a navigation certificate, dated at Barcelona, on the 31st of March, 1837, and showing that Magin Freixas *y Rivalta*, was qualified as third pilot on the 21st of March, 1833.

5. Also a certificate, granted to Magin Freixas, of a similar nature to the last-mentioned paper, is dated at Barcelona on the 24th of December, 1836, endorsed at the same place on the 4th of January, 1837, and again (for a voyage to Marsella and St. Jago de Cuba, in the brigantine "*Famosa Estrella*"), on the 7th of April, 1837.

6. A book, purporting to be the log of the Portuguese schooner "*Paz*," on a voyage from Havana to *Buenos Ayres*, commencing on the 9th of September, and ending on the 27th of October, the day of capture.

7. An old log-book, belonging to the third pilot, Francisco Canal; the earlier part of it (from June to August, 1840) does not appear very important, but it recommences on the 10th of September, 1840, with "*The Schooner Ma. de la 'Paz,' sailed from Havana.*" It is continued in

8. Another book, also a log of the vessel's *reckoning* (but without remarks) to the date of capture. The remaining four "papers" were books of nautical calculations of no material importance.

The second of the papers mentioned above seems to have been the only sailing licence with which the "*Paz*" was furnished. It is dated, however, some months previous to the period at which the transactions which it purports to certify are stated to have actually taken place; the document itself indeed bears little or no resemblance to a regular official paper, though Mr. Consul Pasqual Pluma seems to have passed it unquestioned; for two out of the three endorsements which purport to bear his signature have every appearance of validity. The date of this paper, then (the 12th of February, 1837), cannot be considered as affording any evidence that the "*Paz*" was even built at that time. The earliest seemingly authentic record of her appears in the first endorsement by Mr. Pluma, on the 17th of November, 1839; she is stated by it to be bound for St. Thomas's, with a crew of 19 persons, and under the command of Joao Baptista Silva.

The next endorsement would show that she passed the same consul's office, for a voyage to the Bonny, on the 29th of May, 1840, but the signature and stamp attached to it do not correspond with the official seal and signature of the Tuscan Consul which we have met with in other papers; and accordingly we find, from the Havana Commissioners' report, that the "*Paz*" sailed for the Bonny on the 28th of *March*, 1840, and not in *May*.

By the third endorsement, which appears genuine, it seems that this paper was again before the Tuscan Consul on the 16th of October, 1840, when the vessel was bound for the river Brass, under

the command of Manoel Cardozo; and accordingly, in the Havana Commissioners' report, we find that she sailed for the Brass on the 17th of October, 1840.

The consul's certificate to the muster-roll of the "*Paz*," which we have described above, though evidently not relating to the present voyage, yet affords evidence of the vessel's proceedings, and shows that she sailed a fourth time from the Havana, on the 3rd of April, 1841, under the command of the same Manoel Cardozo, and the Havana clearance found on board at the time of capture, as well as the evidence of the witnesses examined, proves that she again left Havana on the 9th of September last, bound ostensibly for *Buenos Ayres*, but in reality for the river Brass. There can therefore be little or no doubt that between the 17th of November, 1839, and the 9th of September, 1841, the "*Paz*" made four successful slaving trips, and was on the fifth when she was fortunately captured.

On the 27th of October the "*Paz*," sailing under Portuguese colours, was fallen in with by Her Majesty's steamer "*Pluto*," Lieutenant William Simpson Blount, Commander; and, after a chase of some hours, detained by that officer off Cape Formoso, in lat. 3° 32' N., long. 6° 35' E.; and a most complete slaving equipment having been found on board of her, she was sent to Sierra Leone for trial.

She arrived here on the night of the 17th instant, and was reported by the Marshal on the following morning: on the same day proceedings commenced against her, and the usual monition was issued from the British and Spanish Mixed Court of Justice, reasonable suspicions having arisen that her flag was only a cover, and that she was in reality Spanish property.

The seizer's declaration is as follows:—"I, William Simpson Blount, Commander of Her Britannic Majesty's steam vessel '*Pluto*,' hereby declare that, on this 27th day of October, 1841, being in lat. 3° 32' N., longitude 6° 35' E., I detained the ship or vessel named the '*Paz*,' sailing under Portuguese colours, commanded by Manoel Cardozo, who declared her to be bound from the Havana to the river Brass, with a crew consisting of 20 men, 16 boys, 1 supercargo, and 2 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and for being fitted out and equipped for the Slave Trade, contrary to the Treaty with Spain, signed at Madrid, on the 28th of June, 1835.

"I do further declare that the said ship or vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for her destined voyage.

"I do further declare that she is fitted with open gratings, slave-deck complete, two sets of coppers, and slave tins, upwards of 100 pairs of irons, more than 70 butts of water, 100 bags of rice, beans, dried beef, &c."

On the 20th instant the master, Manoel Cardozo, and the mate, Meliton Meaurio, were brought up and examined by the registrar

The evidence of the former was to the following effect:—That "he was born at Lisbon, but has resided at Havana about three years and a half. Is a subject of Portugal, and has never served any other state. He is married, and his wife and family live at Lisbon. Witness appointed himself to the command, being the owner of the vessel. Bought the said vessel at Havana in August last, from Pedro Martínez, a Spaniard, residing at Havana. First saw her there and then. She is of American build. He was present at the time of capture, which took place on the ground of the vessel being equipped for the Slave Trade. The vessel sailed under Portuguese colours, and had no others on board. The vessel has never borne any other name but '*Paz*.' She is eighty tons burthen. The crew consisted of thirty-four officers and mariners exclusive of witness, some Portuguese and some Spaniards, hired and shipped by witness at Havana in the beginning of September last. Witness owned the vessel; there was no cargo on board, with the exception of slave provisions. Was master on board. There were two passengers, both Spaniards, and named Guilherme Hiernandes and Magin Freixas: they embarked at Havana. The said passengers were bound to the river Brass, where they possessed a slave factory, and had undertaken to provide a cargo of slaves for the vessel. The present voyage began and was to have ended at Havana, which was the last port of clearance. The vessel did not touch at any ports or places during the voyage in which she was taken, nor had any communication whatever with the shore. Capture took place off Cape Formoso on the 27th of October, where the man-of-war was first seen. Made every effort, by hoisting additional sail, to escape detention, but the original course of the vessel to the river Brass was not altered. Chase commenced at twelve o'clock at noon and ended at seven P.M. There were neither arms nor ammunition on board. No resistance was made to capture. Witness did not intend to resist seizure, but made every attempt to escape; nor was it his intention to destroy or conceal any of the ship's papers. Witness was sole owner of the detained vessel, having purchased her, as before mentioned, at Havana, in August last, from Pedro Martínez. The bill of sale, which is now at Havana, was made in that city in August last in the presence of three witnesses (whose names he does not recollect). Last saw it there. Witness paid Pedro Martínez 4000 dollars for the vessel, which is a fair equivalent. The sale was a true one, and the vessel, if restored, will belong to witness. There are no private agreements for the return of the said vessel to her former owners. There was no cargo on board except the slave provisions, which were shipped at Havana, and belonged to the two passengers, Hernandes and Freixas, who are Spanish subjects, and generally reside at Havana. Knows the said provisions to be the property of the two passengers, from having received those articles from them at Havana. He does not know the lading of the vessel during her last voyage. On the present occasion the vessel had only slave provisions, which were shipped at Havana in August last, and intended for the use of the slaves to be taken on board in the river Brass. The vessel came direct to Sierra Leone after capture. All the ship's papers are entirely true and fair: Nos. 1, 2, and 3 relate to the vessel; Nos. 4 and 5 belong to the passenger Freixas; and Nos. 6 to 12 are log-books. Knows of no matter to affect the credit of any of them. None of the papers which were on board at the time the vessel left Havana were destroyed, concealed, or made away with, to the best of witness's knowledge and belief. There are no papers relating to the vessel in any other country, with the exception of the bill of sale, which is now at Havana. There was no charter-party made for the present voyage. The vessel has not been insured. Witness cannot say whether any insurance has been effected on the slave provisions. The vessel was under the direction and management of witness. The hatches are fitted with wooden open gratings for the confinement of the slaves. The coamings of the hatchways are bored for the reception of iron bars, of which there are fifty on board, intended to secure the said hatches. There are three bulkheads, those of the cabin, forecabin, and the woman's slave-room. There are two bunks on deck. There are no spare planks on

board. There is a slave-deck laid fore and aft. There are about 120 pairs of shackles to confine the slaves intended for the return cargo. There are 50 pipes on board, all filled with fresh water, but no tanks nor staves. Cannot tell what quantity of water the said casks could contain. The vessel was supplied with the casks of water for the use of slaves. There are twenty tin mess-tubs for the use of the negroes. There is one large iron boiler on board for cooking slave provisions. There were 100 bags of rice, twelve of calavances, one barrel of flour, and some jerked beef, for the consumption of the slaves."

The testimony of the mate, Meliton Meaurio, corroborated generally and fully in every important particular that of the master.

On the 22nd instant publication of the evidence was prayed and granted; and the full admission of the witnesses in regard to the slaving equipment and the illegal nature of the voyage having superseded the necessity of issuing a Commission of Survey, the Proctor for the captor presented on the 24th a petition for a day of trial, which was appointed for the following day, being that on which the monition was returnable: when, the Court having met, and being of opinion that the Spanish residence of the ostensible owner, the Spanish course of trade, and the illegal nature of the voyage in which the vessel was engaged, had been fully proved, a sentence of confiscation of the vessel, together with her lading and stores, was accordingly pronounced.

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

No. 36.

Her Majesty's Commissioners to Viscount Canning.

Sierra Leone, December 3, 1841.

(Received February 3, 1842.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 25th of October last, transmitting to us for our information the 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.

Of the four slave vessels mentioned in the report for August, it affords us much gratification to be able to state that two, the "*Erculos*" and the "*Paz*," have been captured, and were both recently condemned in the British and Spanish Mixed Court of Justice.

We have, &c.

(Signed)
The Right Hon. Viscount Canning,
&c. &c. &c.

WALTER W. LEWIS.
M. L. MELVILLE.

No. 37.

Her Majesty's Commissioners to Viscount Canning.

Sierra Leone, December 3, 1841.

(Received February 3.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 25th of October last, transmitting to us, for our information, the 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, on the supposed connivance, by the authorities at Havana, at the illegal equipment in that port of the Spanish schooner "*Sirena*," captured by Her Majesty's brig "*Saracen*."

From this correspondence we learn that the local authorities at Havana have exculpated themselves, in the opinion of the Spanish Government, of having been in any manner guilty of conniving at a violation of the Treaty of 1835.

We have, &c.

(Signed)
The Right Hon. Viscount Canning,
&c. &c. &c.

WALTER W. LEWIS.
M. L. MELVILLE.

No. 38.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 18, 1842.

I HEREWITH transmit to you, for your information, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a report of the Slave Trade at that place for the month of November, 1841.

I am, &c.

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

(Signed) ABERDEEN.

Enclosure in No. 38.

Havana Commissioners to the Earl of Aberdeen, December 24, 1841.

(See No. 97, page 118.)

No. 39.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 2, 1842.

I HEREWITH transmit to you, for your information, copies of two Despatches from Her Majesty's Consul at St. Jago de Cuba, the one reporting that a cargo of slaves had been landed from the schooner "*Deseada*," at the port of Mayasi, at the northern coast of the island of Cuba; and the other stating that the same vessel is again fitting out for a voyage to the coast of Africa.

I am, &c.

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

(Signed) ABERDEEN.

Enclosure in No. 39.

Mr. Clarke to the Earl of Aberdeen, October 25, 1841.

(See Class B., 1841. No. 195, p. 432.)

Mr. Clarke to the Earl of Aberdeen, January 17, 1842.

(See Class B, No. 83.)

No. 40.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 18, 1842.

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 December 1841.

I am, &c.

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

(Signed) ABERDEEN.

Enclosure in No. 40.

Havana Commissioners to the Earl of Aberdeen, January 26, 1842.

(See No. 105, page 133.)

No. 41.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 19, 1842.

I HEREWITH transmit to you, for your information, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their yearly Report on the Slave Trade of Cuba during the year 1841.

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

I am, &c.
 (Signed)

ABERDEEN.

Enclosure in No. 41.

Havana Commissioners to the Earl of Aberdeen, January 1, 1842.

(See No. 100, p. 119.)

No. 42.

*Her Majesty's Commissioners to Mr. Backhouse.**Sierra Leone, December 31, 1841.**(Received March 19, 1842.)*

SIR,

IN pursuance of the 75th clause of an Act passed in the 5th 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 during the half-year ending this day.

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

We have, &c.
 (Signed) M. L. MELVILLE.

Enclosure in No. 42.

Return of Vessels adjudicated by the British and Spanish Mixed Court of Justice established at Sierra Leone between the 1st of July and the 31st of December, 1841.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	When captured.		Property seized.	Seizor.	Date of Sentence.	Foreign according to the paper.	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.					Old Admeasurement.	English. New Admeasurement.		
Amalia . . .	Spanish	Dom. Cabrera .	1841. July 3	11° 49' N.	16° 49' W.	Schooner and cargo	Hon. Joseph Denman, H. B. M. sloop "Wanderer."	July 27	93	164 $\frac{1}{4}$	88 $\frac{7}{8}$ $\frac{0}{10}$		
Numantina . . .	"	Valentin Cadieros	Sept. 2	4° 39' S.	11° 16' E.	"	Thos. R. Eden, Esq., H. B. M. sloop "Persian."	Oct. 12	90	131 $\frac{1}{4}$	66 $\frac{1}{2}$ $\frac{5}{8}$		Vessel and stores sold at public auction, and the proceeds paid into the military chest. " "
Erculos . . .	Portuguese	José Antonio da Silva	Oct. 16	4° 45' S.	11° 2' E.	Brigantine and cargo	W. Tucker & J. Adams, Esqs., H. B. M. ship & sloop, "Iris," and "Acorn."	Nov. 16	*	166 $\frac{1}{4}$	91 $\frac{1}{2}$ $\frac{3}{8}$		" "
Paz . . .	"	Manoel Cardoso	" 27	3° 32' N.	6° 35' E.	Schooner and cargo	Wm. S. Blount, Esq., H. B. M. steamer "Pluto."	" 25	70	149 $\frac{1}{4}$	75 $\frac{1}{2}$ $\frac{3}{8}$		" "

* This vessel being unprovided with the usual ship's papers, her foreign tonnage could not be ascertained.

(Signed)

WALTER W. LEWIS,
M. L. MELVILLE.

(Signed)

Sierra Leone, December 31, 1841.
C. B. BIDWELL, Registrar.

No. 43.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, December 31, 1841.

(Received March 19, 1842.)

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 eleven, all of which proved cases of condemnation.

In one case only were there any negroes on board of the vessels condemned, viz. the "*Josephina*," from which 290 Slaves were emancipated.

We have, &c.

(Signed)

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 43.

Abstract of the Proceedings in the British and Spanish Mixed Court of Justice established at Sierra Leone for the repression of the Slave Trade during the year 1841.

Sierra Leone, December 31, 1841.

1. The schooner "*Recurso*," commanded by Ramon Trillo, and owned by José de Cunha, a resident of Havana, sailed from that port on the 4th of September 1840, and after sighting the Cape de Verd Islands proceeded direct to the Bight of Biafra, where she was captured on the 22nd of November by Her Majesty's brigantine "*Forester*."

Although sailing under Portuguese papers, the "*Recurso*" was prosecuted and condemned as a Spanish vessel, the master having admitted that the owner had resided two years at Havana, and that the voyage of detention began and was to have terminated at that port; whilst a further course of Spanish trade was established in respect to the previous two voyages by other evidence. As to the illegal equipment, the master avowed that the vessel carried it for the use of a return cargo of slaves.

A very notorious slave-dealer, Joao or Juan Balba, alias Barba, was found on board the "*Recurso*," apparently in the uninterested character of a passenger; but without doubt he must have acted as the secret director of the voyage, as he had before done in the cases of the "*Violante*" and "*Lark*," the former vessel (originally the "*Mary Anne Cassard*") condemned here in 1839 for carrying a cargo of slaves, and the latter condemned in 1840 for illegal equipment.

The charges preferred by the seizer against the "*Recurso*" having been so clearly established, the British and Spanish Court decreed her condemnation on the 11th of January, 1841.

2. The schooner "*San Paulo de Loando*," Jozé Maria da Amezaga, master, was found sailing under the flag and pass of Portugal on the 11th of December, 1840, off Seabar, in the river Sherbro, by Her Majesty's brig "*Saracen*," Lieutenant Hill, Commander, and by that officer detained on the ground of her being *bonâ fide* a Spanish vessel, and as such illegally equipped.

This vessel sailed from Havana as appeared by her papers on the 22nd of October, 1840, bound to the Cape de Verds, but was prevented, according to the hackneyed excuse tendered by the master, going to her proper destination by the winds and currents. It was, however, admitted by him that the voyage began, and was to have ended, at Havana, and that the schooner's equipment was for the use of a cargo of slaves if he should get one.

The schooner's passport described José dos Reis as the owner of her, but this the master positively contradicted, averring that Juan Zanchez or Sanchez of Havana was the real owner, in which statement he was confirmed by the boatswain of the vessel. Of the correctness of the master's evidence on this point reasonable doubts were entertained, as he had described the man who was first-mate on the schooner's muster-roll as a passenger, and proved himself so ignorant, that it was inferred he was merely the captain of the flag and papers, and that the Spanish master-mariner, Manoel de Abaroa, who was on board as a passenger, was really the captain.

In the case of a former "*Sao Paulo de Loando*" owned by the same José dos Reis, and adjudicated here on the 18th of June of last year, we had then satisfactory evidence that Reis had been a resident of Havana for twelve months previously. It mattered little, therefore, for the ends of justice, whether José dos Reis or Juan Zanchez was really and truly the owner of this vessel, as either of them would fix upon her a Spanish nationality; and the Court therefore, without stopping to investigate this difficult but unimportant point, declared the detained schooner to be entitled to a Spanish character. The schooner's equipment for a cargo of slaves having been freely admitted by the master, it only remained for the Court to pronounce a sentence of condemnation, which was accordingly done on the 1st of February, 1841.

3. The schooner "*Boa Uniao*," Francisco Jozé Olindes, master, sailed under the Portuguese flag from Havana in September 1840, for the Cape de Verd islands. This official destination was not, of course, observed, the vessel being really bound to the Gallinas or Sherbro, in the latter of which places she was found on the 9th of December, 1840, by Lieutenant Hill, commanding Her Majesty's brig "*Saracen*," who detained her on the plea of her being really a Spanish vessel illegally equipped.

The papers of the vessel described the owner of her to be Vencistao Fermino da Malta, but the master and his boatswain, as in the former case, both contradicted the official papers. In this case the master swore that he had been for seven months past the owner of her; and as there was the second witness's testimony to support this statement, the Court did not feel disposed, under all the circumstances, to question this evidence, partly as no proof to the contrary was forthcoming, except the doubtful evidence afforded by the passport. The master was therefore accepted in the character also of owner; and as he had admitted that his residence for the last four years was Havana, and the passport of the vessel showed a course of Cuban trade for three voyages, the Court decided that the Spanish nationality of the "*Boa Uniao*" had been completely made out.

Respecting the illegal equipment of this vessel, the fullest admissions were freely made by both the witnesses examined, to which the master added the explanation, that it was intended for the use of a cargo of slaves if he succeeded in obtaining them.

Under these circumstances a sentence condemning the vessel and cargo as a lawful prize was accordingly pronounced on the 1st of February, 1841.

4. The Spanish schooner "*Urraca*," Laureano Lopez, master and owner, sailed from Cadiz under a licence from the Governor of the province of Cadiz, to visit the port of Trinidad de Cuba and any other place during the term of twelve months from the 4th of December, 1840. On the same day that this licence was obtained the vessel cleared out at Cadiz with a crew of 26 men, notwithstanding the Spanish admeasurement of the vessel was only 45 tons. In addition to this suspicious circumstance, the schooner's cargo consisted entirely of equipment and provisions for a slaving voyage, there being on board planks and scantling to make a complete slave-deck, 71 bags of rice, and 41 water-casks.

It is almost needless to remark that the official destination of the vessel was neglected, and the coast of Africa steered for immediately the schooner quitted Cadiz.

On the 19th of January last Her Majesty's brig "*Saracen*," Lieutenant Hill, commander, found the "*Urraca*" at Seabar, and sent her to this port for adjudication.

The detained vessel arrived here on the 15th of February, 1841, and her prosecution was immediately commenced.

The master having freely admitted that his illegal equipment was for the use of slaves, the Court pronounced, on the 23rd of February, the condemnation of both the schooner and her cargo.

5. The Spanish brig "*Republicano*," formerly under Brazilian colours, with the same name, condemned here in June 1840, and bought at the Mixed Commission sale by the late American master of the "*Octavia*," who resold her in this port to a Spaniard named Felix Marengo, a man who had just previously been first-mate of the condemned slaver "*Olimpa*." Marengo fitted out his vessel, and having placed a few almost valueless articles on board, he cleared hence for Cadiz. He did not, however, as might have been expected, get farther north than the Cape de Verd islands, into one of which he put in distress, and, having repaired, he cruized among those islands for some months; when, having got from time to time his slaving equipment complete, he came down the coast to visit the Gallinas for a cargo of slaves.

On the 22nd of February, 1841, Her Majesty's brig "*Saracen*," Commander Hill, fell in with this vessel off Seabar in the *Sherbro*, and detained her for being illegally equipped.

On the 24th of March the prosecution of this vessel was commenced in the British and Spanish Mixed Court of Justice on the above-mentioned charge of illegal equipment, which having been admitted by both witnesses as on board for a cargo of slaves, the Court declared her a good prize on the 6th of April, 1841.

6. The schooner "*Liberal*," Pedro Chicota, master, sailed, under Portuguese colours, from the port of Havana in January, 1841, for Montevideo, as appeared by her papers. Instead, however, of proceeding to Montevideo, the "*Liberal*" went direct for the port of Popoe, evidently for a cargo of slaves.

Whilst in the act of making the coast near Popoe, the schooner was chased by Her Majesty's sloop "*Wolverine*," Commander Tucker, (Her Majesty's brig "*Lynx*" in company,) and, after a run of ten hours, was captured, and despatched to this port for adjudication on the charge of being really a Spanish vessel, in which character she was illegally equipped.

The detained vessel arrived here on the 27th of April, and on the following morning her prosecution was commenced in the British and Spanish Mixed Court of Justice.

The alleged Spanish nationality of the "*Liberal*" the Court considered had been established by the fact of the Spanish course of trade, proved by the indorsements upon the vessel's passport and muster-roll; by the Spanish domicil of the consignee of the schooner, who was proved by the master to be the owner of the slave provisions embarked in her for consumption on board during the return voyage; by the vessel having been commanded by a native Spaniard, and by having a Spanish master mariner on board as the supercargo, who was also to supply the return cargo of slaves at Popoe; and from the fact of the 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 explained, to exercise authority on board, and under which he had conveyed the schooner to Popoe for slaves instead of to Montevideo.

The illegal character of the equipment was admitted by the witnesses in the case, who explained that it was intended for the use of slaves.

On the 5th of May, 1841, the Court assembled for the trial of this vessel, when a sentence was pronounced that the "*Liberal*" had been satisfactorily proved to be entitled to a Spanish national character, and, it having been admitted that she was equipped for carrying slaves, she was accordingly confiscated.

7. The brigantine "*Josephina*," Manoel Antonio dos Santos Pereira, master, sailing under the flag and pass of Portugal, was seized on the 1st of May, 1841, in latitude 2° 1' south, and longitude 8° 40' west, in a voyage from Whydah to Havana, with 291 *male* slaves on board, by Her Majesty's sloop "*Fantome*," Commander Butterfield.

The detained vessel arrived in this port for adjudication on the 12th of May; and as the seizer considered she was entitled *bonâ fide* to a Spanish nationality, her prosecution commenced on the following morning before the British and Spanish Mixed Court of Justice residing here.

From the ship's papers and evidence in this case, it appeared that the voyage in which the "*Josephina*" had been detained began at Havana in February, 1841, with an ostensible destination of Montevideo. Instead, however, of proceeding to that port, the "*Josephina*" went direct to Whydah, where, in the short space of two hours, she embarked 291 negroes; and after the brief stay off that place of four hours, and without anchoring, she proceeded on her return voyage to Havana.

The indorsements upon the passport of this vessel plainly proved a course of trade between this coast and Havana since December 1839; and the master having admitted that the present alleged owner of the vessel was a resident of Havana, where the voyage in which she had been seized was to have ended, a clear case of Spanish nationality was thereby established.

The owner, according to the passport, had also, in the late case of the "*Recurso*," been proved to be lying at Havana, and the Court had therefore an official, as well as an alleged, owner with a Spanish domicil. The Spanish character of the "*Josephina*" was under these circumstances found to have been established; and it having been proved that there were 291 slaves on board at the time of capture, the "*Josephina*" was declared a good prize, and the 290 surviving slaves were decreed to be emancipated.

8. The "*Amalia*," a schooner of 93 Spanish tons burden, fitted with sweeps, and evidently constructed with a view exclusively to fast sailing, was, if we are to believe the evidence adduced, built at New York, by contract, for the notorious Ramon Font, of Havana, who sold her, it would appear, about three years afterwards (March, 1841) to Cayetano Estremera, of the same place, for 7000 dollars. Estremera, on becoming her owner, procured for her a royal passport dated at St. Jago de Cuba, the 26th of March, 1841, from which it is to be inferred that whilst the property of Ramon Font she had not borne a Spanish character. On the same day she cleared out (as appears from the manifest) from St. Jago de Cuba, bound for Canaries, Cape Verds, and Goree, with a cargo of rum, coffee, sugar, and tobacco, under the command of Domingo Cabrera; Cayetano Estremera, the ostensible owner of the vessel, as well as owner and shipper of the cargo, accompanying her in the capacity of supercargo. She would seem to have sailed the following day, and from that date to the 12th of May we lose sight of her; we then find her at St. Jago, Cape Verds; there she appears to have discharged a portion of her cargo, and thence proceeding to Bissao to have landed another portion; at Bissao the master remained on shore as alleged on account of illness, and one José Mijares, hired in that place as mate, was placed in the temporary command. Finding Bissao and the Cape Verds too closely watched by Her Majesty's cruisers, Estremera shipped some boxes of cigars as a colour for his proceedings, and returned to Cape Verds, having on board the Governor of Bissao, Don José Paula, whom he landed at Villa de Praia, and having there embarked some passengers for Bissao was returning to that place, when he was fallen in with on the 3rd of July by Her Majesty's sloop "*Wanderer*," Commander the Honourable Joseph Denman, who, feeling satisfied on an inspection of the vessel that she was engaged, or intended to be engaged, in the Slave Trade, sent her for adjudication to Sierra Leone. She arrived here on the 9th of July, and proceedings commenced against her in the British and Spanish Mixed Court of Justice on the 12th; the alleged owner, Cayetano Estremera, presented a claim for the vessel and cargo on the 16th, and endeavoured through his proctor to establish the lawful nature of her employment; however, after a careful and lengthened examination of the witnesses, who frequently contradicted themselves and each other in the most palpable manner, the Court came to the clear conviction that the claimant had wholly failed in his case, whilst, on the other hand, illegal equipment had been fully proved. Sentence of condemnation was accordingly passed on the 27th of July.

9. The schooner "*Numantina*" sailed from Havana about the 12th of June, 1841, under the Spanish flag, and furnished with a royal passport and countersign, apparently regular, and obtained in that city on the 18th of March, 1840. These documents described her as being owned and commanded by Don Valentin Cadieres, of Cadiz; and the last indorsement on them was dated on the 9th of June, 1841, three days previous to her departure from Havana. The muster-roll for a crew of 19 persons, bearing also the last-mentioned date, and obtained at the same place, showed her to be commanded by Valentin Cadieres (or rather "*Cadieri*," as the name is spelt in that paper), and that the chief mate was one Francisco Barrallie, a native of Ferrol.

On the 2nd of September she was fallen in with by Her Majesty's sloop "*Persian*," and after a chase of eight hours, during which she was repeatedly fired at for the purpose of making her heave to, was boarded by Commander Eden, off Cabinda, in latitude 4° 39' south, and longitude 11° 16' east; and having been found fully equipped for the Slave Trade, was sent to Sierra Leone for adjudication.

The "*Numantina*" arrived here on the 4th of October, and proceedings commenced against her the same day in the British and Spanish Mixed Court of Justice. The two witnesses, the boatswain and a seaman, were examined on the following day, and in their testimony admitted the illegal nature of the equipment, as well as the intent of the voyage; they also swore that the ostensible master, Valentin Cadieres, was merely captain of the flag, and that the party having chief authority on board was the mate Francisco; the boatswain alleged in addition, that the true owner was not Cadieres, as stated in the papers, but one Pedro Marogata, a French subject resident at Havana. This part of the evidence, however, in no way affected the liability of the vessel; and the surveyors having in their report, presented on the 7th of October, proved a most complete slaving equipment, the Court, on the prayer of the proctor for the captors, appointed the following 12th (the day on which the monition was returnable) for giving judgment, when sentence of condemnation was pronounced.

From the evidence in the case, it appeared that this vessel had formerly been a successful slave-trader under the name of "*Salomé*," or "*La Salomé*," and there was every reason to believe, from other sources of information, that she had been equally successfully employed in that traffic between Havana and the coast of Africa, from the time she obtained her royal passport as the Spanish schooner "*Numantina*" up to the date of her detention by Her Majesty's sloop "*Persian*."

10. The brigantine "*Erculos*," sailing under Portuguese colours and ostensible Portuguese papers, was detained on the 18th of October, 1841, by Her Majesty's ships "*Iris*" and "*Acorn*," whilst in prosecution of a voyage from Havana to the coast of Africa, on the ground of her being Spanish property, and as such illegally equipped.

The prize arrived here on the 2nd of November, and on the following day was libelled in the British and Spanish Mixed Court on the above-mentioned charges. The evidence adduced in this case went to

prove that the owner of the "*Erculos*" was a Portuguese subject, living and carrying on business at Havana, and that the voyage in which she had been detained had commenced and was to have terminated at that port. A Spanish national character was therefore plainly made out for this vessel; and as the witnesses freely admitted the presence on board of a complete equipment for the Slave Trade, the British and Spanish Court, on the 10th of November, pronounced a sentence of condemnation of the "*Erculos*" and her cargo.

11. The schooner "*Paz*," Manoel Cardozo, master, a vessel of American construction, sailing under the Portuguese flag, was fallen in with, and, after a chase of some hours, captured, on the 27th of October, off Cape Formoso, by Her Majesty's steamer "*Pluto*," Lieutenant William Simpson Blount, commander, who, finding her fully equipped for the Slave Trade, sent her to Sierra Leone for adjudication.

The vessel arrived here in the night of the 17th of November, and proceedings commenced against her on the following day in the British and Spanish Mixed Court of Justice.

The point of her equipment was easily proved; the witnesses admitted without hesitation the purport of the voyage, and that the "*Paz*" was supplied with slave-deck, shackles, an extraordinary quantity of water and slave provisions, mess-tins, slave-boiler, and, in short, everything required by a vessel regularly engaged in the traffic.

The papers of the vessel were very irregular; in fact, the only sailing authority she had was a document purporting to be an extract from the register of merchant-vessels kept at the office of the Intendant of Marine at Lisbon, and which professed to certify a transfer of the vessel, the date of that transfer being four months subsequent to the date of the certificate itself.

Endorsements on this paper by the Tuscan Consul-General at Havana, and other evidence, showed that the "*Paz*" had, between the end of September, 1839, and the time of her capture, made four successful slaving trips, and that she was engaged in a fifth when seized.

Both the witnesses swore that the master was the owner, and that he resided at Havana. The papers proved the course of trade between the Havana and the coast of Africa.

The Spanish character of the vessel and the illegal nature of her employment having therefore been satisfactorily established, the "*Paz*" was condemned on the 25th of November as good and lawful prize to the crowns of Great Britain and Spain.

(Signed) M. L. MELVILLE.

No. 44.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, January 24, 1842.

(Received April 15.)

MY LORD,

WE have the honour to transmit herewith our report of the case of the brig "*Senhora da Boa Viagem*," Fernando José Carreiras, master; a vessel detained (under Portuguese colours), in the Bight of Benin, on the 22nd of November last, by Her Majesty's ships "*Persian*" and "*Cygnets*," after a chase of twelve hours.

The prize was first fallen in with by the "*Cygnets*," and would, owing to her superior rate of sailing, probably have escaped, had not Her Majesty's sloop "*Persian*" fortunately hove in sight a-head of the chase.

The "*Senhora da Boa Viagem*" arrived here on the evening of the 14th instant, and proceedings were commenced against her on the 17th in the British and Spanish Mixed Court of Justice. The captor's proctor, however, finding from the evidence that, although the case was a clear one of equipment for the Slave Trade, he should be unable to establish a Spanish ownership and course of trade, applied to the Court, with the consent of the master of the prize, for permission to withdraw the case, in order that the vessel might be prosecuted in the Vice-Admiralty Court, under the Act 2 and 3 Victoria, cap. 73. Under these circumstances the petition was granted.

The passport found on board this vessel appeared to have belonged to some other brig; the latest endorsement upon it was dated on the 25th of January, 1837; yet, notwithstanding this irregularity, the Havana authorities found no difficulty in clearing her out, though fully equipped for, and evidently engaged in, the Slave Trade; a fact which will appear the more remarkable if the report be true which is said to be current here amongst the detained slave captains and crews, that the "*Senhora da Boa Viagem*" is no other than an armed vessel called the "*Invincible*," recently sold out of the Spanish service at the Havana.

Fernando José Carreiras, the acting master of this vessel, has formerly been before this Court; when in command of the "*Dous Amigos*," he was captured in November 1838, whilst lying in Sagos roads; on that occasion, as on the

present, he assumed the Portuguese flag, and he then, as now, swore that he was born at Vianna, in Portugal, though his Spanish nationality was proved at that time from an official certificate, discovered in his possession, which described him as a native of Barcelona.

We have, &c.

(Signed)

W. FERGUSSON.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 44.

Report of the Case of the Brig "Senhora da Boa Viagem," Fernando José Carreiras, Master.

Sierra Leone, January 24, 1842.

THERE were only three papers found on board this vessel.

1. Royal passport, dated at Lisbon 2nd and 3rd of September, 1836, for the Portuguese brig "*Senhora da Boa Viagem*," Manoel Antonio dos Santos, master, and José da Cunha, owner. It is indorsed as having been viséd at Oporto, for a voyage (with the same master) to Pernambuco, on the 22nd of October of that year; and again at Pernambuco, on the 25th of January, 1837, for a voyage to Oporto, commanded as above; there is no subsequent indorsement.

2. An unauthenticated document, signed Manoel Antonio dos Santos, and dated Havana, July 28, 1841. This paper purports to be the muster-roll of the said vessel, with the same master, and a crew of *fifty-eight* persons, and is written in the same hand as the signature.

3. Custom-house clearance for the said vessel bound to All Saints Bay, and having on board 38 tierces of bonded rice, shipped by Drake, Brothers, and Company, and ship's provisions, and 5 quintals of powder, shipped by the captain, Manoel Antonio dos Santos. Dated at Havana, 29th of July, 1841.

The "*Senhora da Boa Viagem*" was captured off Lagos under Portuguese colours, on the 22nd of November last, by Her Majesty's sloop "*Persian*," Commander Eden; Her Majesty's brig "*Cygnnet*," Lieutenant Edmund Wilson, commander, being in company; and was sent to Sierra Leone for adjudication.

The prize arrived here on the evening of the 14th instant, and was reported the following morning. Proceedings were commenced against the vessel on the 17th, and the usual monition was issued the same day from the British and Spanish Mixed Court of Justice; the captor's proctor having carried the case into this Court, under the impression that he would be able to disprove her *assumed* Portuguese character, and to establish the fact of her being owned by Spanish merchants, as well as employed in the illicit traffic of a Spanish colonial possession.

The declaration of the captors, Commander Eden and Lieutenant Wilson, stated that the "*Persian*" (the "*Cygnnet*" being in company), detained the said brig on the 22nd of November, 1841, in latitude 6° 2' North, longitude 3° 4' East, under Portuguese colours, with a crew of 58 officers and men, and under the command of Fernando Carreiras, who declared that the said brig was bound from Havana to Lagos, for a cargo of slaves; that the original captain, who had died shortly after sailing from Havana, had stated before his death that the vessel was to return with the cargo of slaves from Lagos to Havana; that the vessel was owned by merchants residing at Havana; and that the acting master could not swear she was *bonâ fide* Portuguese property.

On the 18th, the witnesses Fernando José Carreiras, the acting master; and José Maria Granero, the second mate, were brought up and examined by the Registrar.

The former deposed that "he was born at Vianna, in Portugal, where he has generally resided since his birth; is a subject of Portugal, and unmarried. Took command of the vessel on the 8th of August last, on the death of the late master, Manoel Antonio dos Santos, a Portuguese. He does not know who appointed Dos Santos to the command, nor from whom he received possession, witness having shipped immediately the vessel was ready to sail from Havana. First saw the said vessel at Havana about six months ago. She is of Spanish build. First knew the late master when witness shipped on board, and does not know where he resided, or where his family live. Does not know who appointed the late master to the command. Was present at the seizure of the vessel. She was detained for being equipped for the Slave Trade. Sailed under Portuguese colours, and had no other flags on board. The name of the vessel is "*Senhora da Boa Viagem*." Knows of no other name by which she might have been called. She is 250 tons burthen. There are 58 officers and mariners on board, exclusive of the late master, some Portuguese and some Spaniards, shipped and hired by the late master at Havana, in July last. Neither witness nor any of the officers or mariners had any share or interest in the vessel or her lading. Previous to his assumption of the command witness was first mate (*piloto*) on board. There were no passengers. The present voyage began at Havana, which was the last clearing port, and after coming to the port of Lagos, on the coast of Africa, was to have ended at Havana. The vessel touched at Lagos (but at no other place), in order to learn whether the cargo of slaves was ready for shipment. First saw Her Majesty's ships "*Cygnnet*" and "*Persian*" off Whydah on the 22nd of November last, in latitude 5° 10' North, and longitude 2° 30' East, the former was in sight before the latter. The chase commenced at 6 o'clock A.M., and did not terminate till 6 o'clock P.M. The detained vessel was steering at the time towards Cape St. Paul's for the purpose of buying provisions there. The course was not altered during the chase, but additional sail was made to avoid capture. When the weather would permit the course was always directed to Cape St. Paul's and Lagos, and no deviation made therefrom. There are no guns, arms, or ammunition on board. No resistance was made to capture. Witness never received any instructions to escape from capture, or to destroy and conceal any of the ship's papers. The owner of the detained vessel is José da Cunha, a Portuguese subject; was tod so by the late captain, Dos Santos. The said owner generally resides at Lisbon. Does not know where he formerly lived. Does not

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know whether there was any bill of sale. Is also ignorant of the price paid for the vessel, and whether the sale or transfer (if made) was true or false. Verily believes that the vessel, if restored, will belong to the aforesaid José da Cunha. Knows of no private agreement for the return of the vessel to her former owner or owners. There was no outward cargo on the present voyage, the vessel having left Havana for Lagos in ballast. Does not know the lading of the vessel on the former voyage; there was no cargo on the present occasion. The vessel was first taken to Acquidah after capture, and from thence to Sierra Leone. The passport, muster-roll, and manifest are entirely true and fair. Knows of nothing to affect their credit. No papers, which were on board at the time the vessel left Havana, have been destroyed or concealed, to the best of witness's knowledge and belief. There are no papers relating to the vessel in any other country to witness's knowledge. There was no charter-party. Does not know whether the vessel be insured. She has been (since the death of the late master) under the direction and management of witness. Nothing was taken out of the vessel at the time of her detention or since. The hatches of the vessel are fitted with open gratings of wood, in order to secure the slaves. The combings of the hatchways are bored and fitted with iron bars. There are the bulkheads of the cabin and forecabin, and two sleeping berths on deck. There is a slave-deck laid fore and aft. There are 12 pairs of shackles and bolts on board for the slaves. There are 40 large water-casks on board, nearly all full of fresh water for the use of the slaves. The said casks are capable of containing about 30,600 gallons of water. There are 35 mess-kits on board for the slaves. There are 2 large iron boilers on board for cooking the provisions of the slaves. There are about 20,000 lbs. of rice and 16,000 lbs. of beans in bags and casks on board for the consumption of the slaves."

The mate's evidence was corroborative of the master's, so far as it went, but afforded very little information indeed.

On the 19th publication was prayed for and granted, and on the 20th the proctor for the captors put in a petition, in which it was stated that the seizers having been led to believe from the representations of the master at the time of her seizure, that the "*Senhora de Boa Viagem*," though sailing under Portuguese colours, was owned by Spanish merchants residing at Havana, proceedings had been taken against her on her arrival here, as a Spanish vessel; but the petitioner having perused the evidence filed in the case, and found that it did not satisfactorily establish a Spanish character, prayed that the case might be permitted to be withdrawn from the Court, and the ship's papers delivered over to the petitioner for the purpose of commencing proceedings against the said brig in the Vice-Admiralty Court, under the Act 2nd and 3rd Victoria, cap. 73.

To this was attached an assent to the withdrawal of the case, signed by the master, Fernando José Carreiras.

Under these circumstances the Court had no difficulty in assenting to the prayer of the captor's proctor, and accordingly ordered the papers to be delivered up, as prayed, on payment of the Court expenses, and Marshal's fees.

(Signed)

W. FERGUSSON.
M. L. MELVILLE.

No. 45.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, February 4, 1842.

(Received April 15.)

MY LORD,

WE have the honour to forward herewith our report of the case of the schooner (pilot-boat) "*Presidente*," Antonio Beiso master, which vessel was condemned in the British and Spanish Mixed Court of Justice on the 3rd instant, for being equipped for, and engaged in, the illicit traffic in slaves.

The "*Presidente*" obtained her Spanish papers at Havana on the 8th of November of last year, having previously, there is little doubt (though no direct evidence of the fact), borne the flag of the United States. She cleared out the same day for the Cape Verdes, with a full slaving equipment on board, which the authorities at Havana thought proper to overlook, although they would not permit her to sail with a crew of more than 11 persons, including the master; this slight difficulty was, however, easily got over, with the assistance of the same authorities, who allowed the master to take as "*passengers*" a third mate and 7 seamen, to make up the fit complement for the trade he was about to embark in.

From Havana Beiso proceeded direct to New Cestos, where he arrived in the beginning of January, and, taking on board 8 other Spanish sailors, put to sea again, as the safest mode of awaiting the collection of the cargo of slaves. Whilst cruising off Cape Mount, however, the "*Presidente*" was fallen in with, on the 20th of January, by Her Majesty's ship "*Madagascar*," Captain Foote, and after a chase of two or three hours captured. The equipment was so manifest that any attempt at concealment would have been useless, and the master at once freely admitted that he was bound to New Cestos for a cargo of slaves.

The vessel arrived here for adjudication on the night of the 25th, and proceedings, which commenced against her the following day, terminated, as before mentioned, in her condemnation.

It is to be observed, that whilst the vessel's papers point out Beiso as the

owner as well as master, that person, in his evidence, acknowledged to only a half share, and stated the other part to be the property of one Antonio Ruiz.

We have, however, our doubts whether a principal party in the adventure was not the noted Pedro Martinez, whose name appears somewhat suspiciously in the custom-house clearance, as the shipper of a box of knives and some cigars on board the "*Presidente.*"

In this case there was the unpleasant occurrence of some of the articles belonging to the vessel being missing subsequently to her arrival here, and prior to charge having been taken by the Marshal. The prize-officer, Mr. Charles Evelyn Rowley, a midshipman of Her Majesty's ship "*Madagascar,*" was a very young and seemingly inexperienced person, who probably would not have been selected for that duty had not the capture taken place in the immediate vicinity of Sierra Leone. Mr. Rowley's temporary absence on shore afforded an opportunity for abstracting the chronometer, spy-glass, and the two flags belonging to the vessel; but it would be difficult to form an opinion as to who the guilty parties were. We cannot, however, conceal from ourselves the fact, that the baggage of the captured people was strictly searched by the Marshal before any part of it was allowed to be landed, and as the missing articles were such as might have been easily concealed in a small compass, we think the prize-officer committed a great oversight in not having the seamen's bags strictly examined before he permitted the prize crew to embark in Her Majesty's brig "*Rolla;*" and we have consequently addressed a letter on the subject to Captain Foote, of Her Majesty's ship "*Madagascar,*" the senior naval officer on this station, there being still a possibility that some of the property may be recovered, if it should turn out to have been taken by the prize crew.

We have, &c.

(Signed)

M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

Enclosure in No. 45.

Report of the Case of the Spanish Schooner "Presidente," Antonio Beiso Master.

Sierra Leone, February 4, 1842.

THERE were 6 official papers found on board this vessel.

1. Royal Passport, No. 864, for the pilot-boat "*Presidente,*" of the burthen of 116½ tons, commanded and owned by Antonio Beiso, a resident of Majorca, dated at the Palace the 31st of December, 1840. Signed "*El Duque de la Victoria,*" and countersigned "*Joaquim de Friaz.*" Issued at Havana (according to the date) the 8th of November, 1841, with the usual warning against engaging in the Slave Trade, and signed "*Antonio Gaston.*"

2. Fort Pass, No. 307, for same vessel, commanded as above; also dated Havana, 8th of November, 1841, and signed by "*Antonio Gaston.*"

3. Muster-roll of said vessel, with same master, bound for Cape Verdes; crew consisting of 11 persons, including the master. This document is dated at the same place and on the same day as the foregoing; contains also the prohibition against the traffic in slaves, and is signed by "*Antonio Gaston.*" At the foot is a certificate from the office of the Captain of the Port of Havana, that 8 persons (named), whose corresponding passports had been presented by the master of the "*Presidente,*" were permitted to proceed in the said vessel. This certificate also bears date the 8th of November, and is signed "*Manuel Geraldino.*"

4. Custom-house Clearance for said vessel, commanded and bound as before mentioned, shows that 36 tierces of bonded rice, and other articles of provisions, as also 3 boxes of cigars, had been shipped by the master, Antonio Beiso; and 1 case of knives and 6000 cigars by Don Pedro Martinez. This paper is also dated at Havana, 8th of November, 1841, and is signed "*José Perez Santin.*"

5. Naval Passport, issued by Don Manuel de Canos Trajillo, Commandant General of Marine, to the third pilot, Guillermo Gimenes, granting him permission to sail in the first vessel that might offer for the islands of Cape Verdes; dated at Havana, 8th of November, 1841, and signed "*De Canos.*"

6. Seven common passports, for a carpenter and 6 other men, granting permission to those persons to go to the Cape Verde Islands, as passengers, in the schooner "*Presidente;*" these papers are all dated at Havana, the 8th of November, 1841.

The "*Presidente,*" Antonio Beiso master, sailing under Spanish colours, and furnished with regular Spanish papers, was fallen in with off Cape Mount, on the 20th of January last, and captured, after a short chase, by Her Majesty's ship "*Madagascar,*" Captain Foote, who sent the prize to Sierra Leone for adjudication, on a charge of being equipped for the Slave Trade.

The detained vessel arrived here on the evening of the 25th, and was reported by the Marshal on the following day. Proceedings were immediately commenced against her in the British and Spanish Mixed Court of Justice, and the usual monition and a commission of survey and inspection were issued at the prayer of the Proctor for the captor.

The captor's declaration is as follows:—"I, John Foote, Captain of Her Majesty's ship "*Madagas-*

car," hereby declare, that I detained the Spanish merchant schooner, called the "*Presidente*," on this 20th day of January, 1842, in latitude 7° 12' North, longitude 12° 38' West, fitted with a slave-deck for males and females, iron gratings, a large quantity of rice and farinha, 30 and more tons of water, her bulwarks and anchors cut away; and the master's declaration is, that she was seventy days from the Havana, had been thirty days on the west coast of Africa, and was bound to Little Cestos for slaves."

On the 27th Antonio Beiso, the master, and José Antonio Cortina, the mate, were brought up and examined by the Registrar.

The master, in his deposition, declared that "he was born at Majorca; now resides at Havana, where he has lived for the last twelve years. Is a subject of Spain, and has never served any other state. Is not married. Witness, before he became part owner, was appointed to the command by the owner, Antonio Ruiz, a Spaniard, who was born and lives at Havana. Possession was delivered to witness at Havana on the 17th of November last, by the said Ruiz. Has known the said vessel about five months, having first seen her then at Havana. He was present at the seizure of the vessel, which took place on account of her being equipped for the Slave Trade. The said vessel sailed under Spanish colours, and had no others on board. The name of the vessel is '*Presidente*,' by which she has always been called to witness's knowledge. The tonnage is 117 tons. The crew consisted of 10 officers and sailors, exclusive of the master, all of them Spaniards, shipped and hired by witness at Havana in November last. Witness owns one-half of the vessel, but has no share in the cargo of provisions. None of the other officers and mariners had any interest in either the vessel or her lading. Was master on board. There were 7 passengers, who came on board at Havana, ostensibly for the purpose of going to the Cape de Verdes; but witness really took them on board in order to increase the number of his crew, the Havana navigation laws only allowing 10 men for navigation of the detained vessel. Witness cannot remember their names. Each was furnished with a personal passport. Eight other passengers came on board at New Cess on the coast, who had formerly served on board captured slave vessels, and were desirous of returning to Havana. Of these also witness does not remember the names. The said 15 passengers were all Spaniards, and mariners, and had no interest or authority in or over the vessel and cargo. The voyage began at Havana on the 4th of November last, and was to have ended at the same port after visiting the coast of Africa. Havana was the last clearing port. The vessel touched at New Cess on or about the 1st of the present month, for the purpose of receiving a cargo of slaves; and had no other communication with the shore. The capturing vessel, Her Majesty's ship '*Madagascar*,' was first seen, to the best of witness's recollection, on the 18th of the present month off Cape Mount. The chase continued three hours. The vessel was steering towards the Cape de Verdes, but the course was altered, and additional sail hoisted upon the appearance of the man-of-war. Previous to this the course was always, when circumstances would permit, directed to the Cape de Verdes. There are no arms or ammunition on board. No resistance was made to capture. Witness had no instructions to resist or avoid capture (although he endeavoured to do the latter on his own suggestion), nor to conceal or destroy any of the vessel's papers. The aforesaid Antonio Ruiz and witness are the owners of the detained vessel. Knows that the former owned one-half of the vessel, having been present when he executed the purchase, but witness himself was not then half owner. The said Antonio Ruiz is a Spanish creole, born and now residing with his family at Havana, his constant place of residence. He is a Spanish subject. There is a bill of sale, which was made at Havana (where it is now left lodged in the Commandant of the Marine's Office) about three months ago. The aforesaid Antonio Ruiz was the purchaser, and an American captain (whose name witness does not remember) was the seller. Cannot recollect the names of the witnesses. The price paid for the vessel was 9000 dollars, which was a fair equivalent for her. The said sale was truly made, and the vessel will belong to witness and Antonio Ruiz if restored. There is no private agreement for the return of the vessel to her former American owner. There was no merchandise shipped as outward cargo at Havana for the present voyage. The slave provisions there shipped were consigned to witness, and were the property of Antonio Ruiz, to whom they will belong if restored. This is the first voyage of the vessel. The vessel had no outward cargo, having only shipped rice and water for the slaves at Havana. The detained vessel came direct to Sierra Leone after capture. The passport and other papers are all true and fair; knows of nothing to affect their credit. None of the papers which were on board at the time the vessel cleared out from Havana were destroyed, concealed, or made away with. To the best of witness's knowledge and belief there are no papers relating to the vessel in any other country. There was no charter party. The vessel and lading were not insured. She was under the direction and management of witness in regard to her trade, but witness corresponds with no one on such subjects. Bulk was not broken during any part of the voyage. The hatches are not fitted with open wooden gratings. The combings of the hatchways are bored and fitted with round iron bars, of which there are about 60 on board: these are intended to secure the said hatches. There are the bulkheads of the cabin and fore-castle, but no sleeping bunks. There are no spare planks. There is a slave-deck laid fore and aft. There are 60 pairs of shackles for the confinement of slaves. There are 100 casks on board, all filled with fresh water, but no tanks nor staves. The said casks are capable of holding about 12,000 gallons of liquid. This large quantity of water was required for the use of the slaves. There are 40 mess-kits on board for the use of the slaves. There is 1 large iron boiler on board for cooking provisions for the slaves. There are about 200 quintals of rice on board in bags, for the consumption of the slaves."

The mate, José Antonio Cortina, professed total ignorance of the ownership of the "*Presidente*;" in other respects his evidence, in all material points, corroborated that of the master; he, however, stated, in addition, in answer to the 24th interrogatory, that "the morning after the arrival of the vessel in this harbour (the 26th) a white boat, which came from one of the men-of-war, and was manned by European sailors, pulled alongside, and received from the English prize crew 4 or 5 bags of rice, which they carried away. The prize-officer was then ashore with the papers." The Registrar was unable to elicit from the witness from which of the men-of-war (the "*Heroine*," "*Pantaloon*," and "*Rolla*") the boat had come, or to which it had returned, and the number of bags of rice (78) found on board by the Marshal, corresponding with that in the list of stores, there was every reason for discrediting the mate's statement.

The Report of Survey was sworn to and filed on the 29th. In this document the surveyors certified that they had found—

Seven hatches, a number more than requisite in a merchant-vessel, and 5 of them being fitted with iron bars, as is usual in slave-vessels.

A slave-deck laid fore and aft.

One hundred and twelve shackles, with 57 bolts attached.

Twenty-two leaguers filled with fresh water, and having a content of 13,200 gallons, a quantity very much more than required for the crew.

An iron cabouse, fitted with a large iron slave-boiler.

Seventy-eight bags of rice, being a quantity much larger than requisite for the consumption of the crew.

Twenty-two sweeps, not required in a lawful trader; and

A large quantity of firewood, much more than sufficient for the use of the vessel, and of the same description with that usually found on board slavers.

The monition was returned into Court by the Acting Marshal on the 1st of February, and an affidavit of the prize officer, and also of a constable in explanation of the alleged abstraction of the bags of rice and other articles, were filed by permission of the Court.

The affidavit of the prize officer is as follows:—" Appeared personally Charles Evelyn Rowley, midshipman of Her Majesty's ship 'Madagascar,' and prize officer of the said schooner, who, being duly sworn, made oath, that during the night of the 25th of January last this deponent arrived in this port in the said schooner, and on the following morning, being obliged to proceed on shore for the purpose of delivering up the vessel's papers to the seizer's agent, and to get the vessel into Court, and not wishing to leave his prize crew without some one in authority over them during his absence, this deponent applied at the police-office for a constable, whom he sent on board, with orders to prevent any boats going alongside or anything being taken out of the vessel. That this deponent, after having sworn to the affidavit of seizure, and reported himself to the Senior Officer, again repaired on board about three o'clock in the afternoon, when he missed the chronometer, spy-glass, Spanish ensign, and a white signal flag, which articles had been left in the cabin close to the master's sleeping berth; that thereupon this deponent immediately made every inquiry respecting these missing articles, but could not find them or ascertain who had taken them away; but from the flurried manner both of the master and mate of the said vessel during this deponent's search, deponent was strongly led to believe that they were implicated in the removal of the said things. That the constable declared no boat had been alongside from the time he went on board until deponent's return, and that nothing had been taken out of the said vessel during that time; and this deponent is therefore led to believe that these several articles were taken out of the said vessel during the time that elapsed between this deponent's leaving the vessel and the constable's getting on board, which was about half an hour. That the prize crew were severally questioned by this deponent, but they all declared that they knew nothing whatever about the missing articles, and this deponent has not been able to obtain any information respecting them; and he is entirely ignorant of their removal from the said vessel, or in whose possession the same are. And this deponent further saith, that with reference to the apparent discrepancy between the Marshal's and seizer's list of stores, that such discrepancy has arisen from this deponent having inserted every article in the original list taken, which was stated by the master to have been on board the vessel, but which this deponent did not himself see; and as the slave-deck had not been removed, this deponent was unable to ascertain correctly every article on board. That the loose beef and pork, which was in the harness-cask at the time of seizure, was consumed on the passage up. That this deponent has never seen more than three casks of aguardiente, nor more than a little loose coffee which was consumed on board; neither has he seen any of the casks of fish which were stated by the master to be on board. That the master of the said vessel informed this deponent that he had seen the log-reel floating astern, but this deponent has not been able to obtain any further information respecting it. And this deponent further saith, that he does not believe the statement made by the mate in his examination, that a man-of-war's boat had taken away 4 or 5 bags of rice during his absence on shore, from the fact of the number of bags of rice taken at the time of seizure agreeing with the list taken by the Marshal, but this deponent has not been able to question his prize crew respecting this complaint, as they were sent on board Her Majesty's brig 'Rolla' the day after their arrival in port, for a passage to join their ship, and this deponent was not informed of this circumstance until after they had sailed."

The constable, Joseph Smith, deposed, "that the morning after the arrival of the said schooner in this harbour, on Wednesday in last week, in consequence of an application having been made at the police-office by the prize officer, this deponent was sent on board the said schooner about ten o'clock in the forenoon of that day, where he remained until eleven o'clock at night, and that during the whole of that time nothing whatever was removed from or taken out of the said vessel, except the baggage belonging to the men-of-war's men who were sent on board Her Majesty's brig 'Rolla.'"

Immediately on these affidavits having been received, the Proctor for the captor presented a petition for the trial of the "Presidente," and the following day (the 3rd) was appointed for that purpose; when the Court having met, the evidence was read, and a decree pronounced, condemning the "Presidente" as good and lawful prize to the crowns of Great Britain and Spain.

(Signed)

M. L. MELVILLE.
G. MACDONALD.

No. 46.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, March 24, 1842.

(Received May 30.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of December last, enclosing for our 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.

Of the slave vessels reported in these communications we have it in our power to report the capture of two only—the schooner "Pax," condemned in the British and Spanish Mixed Court of Justice, and reported in our Despatch

of the 25th of November, 1841, and the celebrated "*Venus*," alias the "*Duquesa de Braganza*," which last was captured off Popoe, under Portuguese colours, and equipped for the Slave Trade, on the 22nd of January last, by Her Majesty's ship "*Iris*," and is now before the Court of Vice-Admiralty of the Colony, under the Act 2nd and 3rd Victoria, cap. 73.

We have, &c.

(Signed) M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 47.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 31, 1842.

I HEREWITH transmit to you for your information copies of Despatches from Her Majesty's Commissioners at the Havana, containing their Reports on Slave Trade at that place for the months of January, February, and March last.

I am, &c.

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

(Signed) ABERDEEN.

Enclosures in No. 47.

Havana Commissioners to the Earl of Aberdeen, February 21, March 12, and April 11, 1842.

(See No. 107, No. 111, and No. 119, pages 134, 139, and 153.)

No. 48.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 17, 1842.

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 April last.

I am, &c.

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

(Signed) ABERDEEN.

Enclosure in No. 48.

Havana Commissioners to the Earl of Aberdeen, May 11, 1842.

(See No. 123, page 160.)

No. 49.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, April 16, 1842.

(Received June 28.)

MY LORD,

WE have had the honour of receiving your Lordship's Despatch of the 18th of February last, transmitting for our information a copy of a Despatch from Her Majesty's Commissioners at Havana, containing a Report of the Slave Trade at that place for the month of November, 1841.

We have, &c.

(Signed) M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 50.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, April 18, 1842.**(Received June 28.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 2nd ultimo, transmitting to us for our information copies of two Despatches from Her Majesty's Consul at St. Jago de Cuba, from which we learn that the schooner "*Deseada*," after having landed a cargo of slaves at the port of Mayari, was again fitting out for the Coast of Africa, and that Bissao was her probable destination.

We beg leave to thank your Lordship for this information, which we shall take the earliest opportunity of communicating to the senior naval officer cruising on this part of the station.

We have, &c.

(Signed)

M. L. MELVILLE.

G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 51.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 2, 1842.

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 May last.

I am, &c.

Her Majesty's Commissioners,

(Signed)

ABERDEEN.

&c.

&c.

&c.

Enclosure in No. 51.

Havana Commissioners to the Earl of Aberdeen, June 20, 1842.

(See No. 131.)

No. 52.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, April 28, 1842.**(Received August 10.)*

MY LORD,

WITH reference to our Despatch of the 4th of February, forwarding to your Lordship our report of the case of the condemned Spanish slave schooner "*President*," and in which we had occasion to remark upon the subject of several articles being missing from that vessel, we have now the honour to enclose a copy of a letter received by us from Captain Foote, of Her Majesty's ship "*Madagascar*," and from which it appears that, notwithstanding a strict search, none of the deficient articles have been found in the possession of the prize crew, and Captain Foote is of opinion that they must have been abstracted by the master and mate of the "*President*," during Mr. Rowley's absence on shore.

We have, &c.

(Signed)

M. L. MELVILLE.

G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 52.

*Captain Foote to Her Majesty's Commissioners.**Her Majesty's ship "Madagascar," at sea, off
Cape St. Paul, March 26, 1842.*

GENTLEMEN,

I beg to acknowledge the receipt of your letter of the 10th ultimo, relative to certain articles being missing from on board the slave vessel "*President.*"

And I beg to inform you that I have made the strictest inquiries into the loss of the articles therein enumerated, and searched the clothes and baggage belonging to the prize crew, but I am sorry to say without success; and it appears that they must have been stolen by the master and mate of the vessel during Mr. Rowley's absence on shore.

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

I have, &c.
(Signed) JOHN FOOTE,
Captain and Senior Officer Commanding.

No. 53.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, May 3, 1842.**(Received August 10.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 19th of March, transmitting to us, for our information, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their yearly Report on the Slave Trade of Cuba during the year 1841.

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

We have, &c.

(Signed)

M. L. MELVILLE.
G. MACDONALD.

*The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.*

No. 54.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, May 6, 1842.**(Received August 10.)*

MY LORD,

WE have the honour to enclose herewith our report of the case of the brig "*Fortuna,*" Francisco Medeiros master, condemned in this British and Spanish Mixed Court of Justice on the 4th instant.

The "*Fortuna*" was captured in the Bight of Benin, after a chase of 20 hours, by Her Majesty's sloop "*Persian,*" Thomas Rodney Eden, Esq., commander, on the 22nd of March last: at the time, the prize was under Portuguese colours, and steering for Lagos with the purpose of taking in a cargo of slaves, for the collection of which the master had made previous arrangements with the chief of that place, and a remarkably complete slaving equipment was provided on board for the reception of these unfortunates.

The captured vessel arrived here on the 26th ultimo, and proceedings, which were commenced against her on the following day, terminated, as before mentioned, on the 4th instant in her condemnation.

It is somewhat singular that this brig "*Fortuna,*" likewise captured off Lagos under Portuguese colours, and condemned in this Court in December, 1839, should also have obtained her passport at St. Paul de Loando in 1836, within a few weeks of the other vessel; the owner being in both cases described in those documents as Francisco Feliz de Souza (Char Char), and the master as Manoel Francisco Cardozo.

As a Portuguese passport never affords any information in regard to the build or measurement of the vessel, and, in consequence, may serve for any other of the same rig, however different in other respects, it is probable that De Souza, in procuring two passports for his vessels, in the manner mentioned, had some object of deception in view.

In February, 1839, both these vessels cleared from Havana within a few days

of each other, as appears from the endorsements on their passports by Mr. Pasqual Pluma: one only, however, was reported in the lists of departures furnished by Her Majesty's Commissioners at Havana for that year.

There is so much obscurity thrown over the whole proceedings of this vessel that it would be difficult to attempt to trace her course with any hope of exactness; with respect to the last year, however, there can be little doubt that she landed two cargoes of slaves in Cuba between January and December; and it is somewhat remarkable that, although the reports of Her Majesty's Commissioners at Havana state, that this vessel cleared out from that port on the 11th of February, and again that on the 31st of December, 1841, their lists of *arrivals* for that year do not once mention the "*Fortuna.*"

We have, &c.

(Signed)

M. L. MELVILLE.

G. MACDONALD

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 54.

Report of the case of the brig "Fortuna," Francisco Medeiros master.

Sierra Leone, May 6, 1842.

THERE were only three papers found on board this vessel.

1. A passport dated at St. Paulo de Loando, the 17th of June, 1835, and signed by the Governor, Domingo de Saldonha Oliveira e Daun, granting permission to the Portuguese brig "*Fortuna,*" Manoel Francisco Cardozo master, and Francisco Feliz de Souza owner, to make a voyage to St. Thomas' and Prince's islands, with liberty to touch at Cabinda, Ambris, Zaire, and Loango. On this document there were three consular endorsements:—

The first, a visé, for a voyage to Montevideo with a crew of 39 persons, dated at Havana, 19th of February, 1839, and signed by the noted Pasqual Pluma, Consul-General for Tuscaany.

The second for a voyage to Havana, dated at Montevideo the 31st of May, 1840, and signed ("by order of the Consul-General") by Gaetano Gavazza, Vice-Consul for Sardinia; and the third for a voyage to Montevideo, when Pasqual Pluma again certifies the passport, stating the vessel to be commanded by Francisco Medeiros, instead of the former master Francisco Fernandez Cardozo. This visé is dated at Havana, the 11th of February, 1841. This last endorsement is corroborated by the *Havana lists* furnished by Her Majesty's Commissioners at that place; and in the last report furnished from Havana, we find the "*Fortuna*" again cleared out for Montevideo on the 31st of December, 1841.

2. Manifest of the Portuguese brig "*Fortuna,*" Captain Don Francisco Medeiros, bound to Montevideo, dated at Havana the 31st of December, 1841, and signed by José Perez Santin, showing that 34 leaguers of rice had been shipped in the vessel by Gaspar Medruso; 53 sacks of beans by Augustin Bolivar; and 20 quarter casks of rum, 23 barrels of salt provisions, and 100 arrobas of jerked beef by the master.

3. An unofficial list of the crew of the vessel, apparently written and signed by the master, Francisco Medeiros, dated at Havana, the 1st of January, 1842, and showing a complement of 48 persons, and an armament of 2 guns, 24 muskets, 24 cutlasses, 18 boarding pikes, and a "sufficiency" of ammunition.

On the 22nd of March, 1842, the brig "*Fortuna,*" sailing under Portuguese colours, and commanded by Francisco Medeiros, was detained in the Bight of Benin, after a chase of 20 hours, by Her Majesty's sloop "*Persian,*" Thomas Rodney Eden, Esq., commander, who, finding her equipped for the Slave Trade, sent her to Sierra Leone for adjudication.

The prize arrived here on the 26th of April, and was immediately reported by the marshal to the Mixed Courts.

The vessel's papers indicating a course of Spanish trade, the captor's proctor preferred instituting proceedings against her in the British and Spanish Mixed Court of Justice; and accordingly on the following day (27th) the captor's declaration and vessel's papers, together with the affidavit of the prize officer authenticating the same, were received into that Court, and the usual monition was issued.

The captor's declaration is as follows:—"I, Thomas Rodney Eden, Esq., commander of Her Britannic Majesty's sloop '*Persian,*' hereby declare that on this 22nd day of March, 1842, being in or about latitude 6° 5' north, longitude 3° 50' east, I detained the brig '*Fortuna,*' sailing under Portuguese colours, after a chase of 20 hours, commanded by Francisco Medeiros, who declared her to be bound from Havana to Lagos, on the coast of Africa, for a cargo of slaves, with a crew consisting of 46 men, 1 boy, and 1 passenger, whose names, as declared by them respectively, are inserted in a list at the foot hereof.

"I further declare that on examining the said brig, I found her fully equipped for the Slave Trade, having a slave deck ready laid, slave coppers, together with the necessary quantity of water in leaguers, rice, beef, &c., for their consumption.

"I further declare that I found a Spanish as well as a Portuguese ensign on board of her, and that the said brig appeared to be seaworthy, and was supplied with a sufficient quantity of water and provisions for her voyage, and that the accompanying papers, being from 1 to 3 inclusive, are all the documents I could find in her."

On the 28th a Commission of Survey and Inspection was issued on the prayer of the captor's proctor, and the same day the witness Francisco Medeiros, the master, and Pedro Sanchez, the third mate, were brought up and examined by the acting registrar. The former deposed to the following effect:—"That he was born at Madeira, lives at Havana, and has resided there five years. Has never

CLASS A.

been the subject of any other state than Portugal. Is not married. He appointed himself to the command of the vessel. Received possession at Havana in February, 1840, from one Manoel Silva. Does not know where the said Silva resides, nor of what state he is a subject. First saw the vessel at Havana in February, 1840. Does not know where she was built. He was present at the capture of the vessel. Does not know for what reason she was seized. Sailed under Portuguese colours. Had also Dutch and Spanish colours on board to be used as signals. The vessel has been called '*Fortuna*' ever since he purchased her; does not know of her having borne any other name. She is 218 tons burden, and had 49 officers and mariners on board, some Spaniards and the remainder Portuguese, all shipped by witness at Havana in January last. Witness is sole owner of the vessel and cargo. Was also captain on board. Had one passenger at the time of capture named Joao Baotista, a Spaniard, and as witness believes a merchant; he was taken on board at Havana in January last, and was going to Lagos. Does not know upon what business. The said passenger had no concern or authority directly or indirectly in the vessel or cargo. Havana was the last clearing port, and the present voyage began and was to have ended there. Lagos was the only place touched at during the present voyage; touched there to obtain a cargo of palm oil. Had communication there with the king only by means of a canoe. First saw the capturing vessel on the 22nd ultimo in latitude 5° 11' north and longitude 3° 2', out of sight of land. Chase began at four o'clock that evening. Was steering for Lagos when chased. The course was altered and additional sail made upon the appearance of the capturing vessel. The vessel's course when weather would permit was always directed for Lagos, and not for the place named in the ship's papers. There was one gun thrown overboard during the chase, and there were 20 muskets, 20 cutlasses, and 65 lbs. of powder on board at the time of capture. The vessel was so armed for defence against pirates. No resistance was made at the time of capture. There were no instructions or directions for resisting or endeavouring to avoid capture, or for destroying or concealing any of the ship's papers. Witness was owner of the vessel at the time of seizure, having purchased her. There was a bill of sale made to witness by Manoel Silva in February, 1840, at Havana. Does not recollect the names of the witnesses. Has not seen it since that time. Twelve thousand dollars was the price of the vessel, which was paid at the time of purchase. The sum so paid was a fair equivalent. The sale and transfer have been truly made, and not for the purpose of concealing or covering the real property. The vessel, if restored, will belong to witness alone. There is no private agreement for the return of the vessel to her former owners. There was no outward cargo shipped at Havana except provisions consigned to witness, and of which he is sole owner; these provisions were intended to be sold to any vessel that might be in want of them, and are on his own account and risk, and if the vessel be restored they will belong to him alone. The cargo on the last voyage consisted also of provisions, and was likewise shipped at Havana. The vessel touched at no port after capture. All the papers found on board are entirely true and fair; knows of nothing to affect their credit. No papers were destroyed or attempted to be concealed. Has no other papers or documents relative to the ship or cargo in any country, with the exception of the bill of sale, which is at Havana. There was no charter party signed for the present voyage. The vessel and cargo are not insured. The vessel has always been under witness's direction with respect to her employment in trade. Corresponds with no one relative to the vessel and cargo. No slave has been put or received on board the detained vessel during the present voyage. The hatches are not fitted with open gratings. The combings of the hatchways are bored and fitted to receive iron bolts and bars. There are about 50 iron bars on board for securing the hatches. There are two divisions in the hold, and two bunks on deck. There are no spare planks on board. There is a slave deck laid fore and aft. There were about 30 or 40 pairs of shackles, bolts, and handcuffs on board at the time of seizure, which witness states were for the use of his own crew. He has 116 pipes on board filled with fresh water; has no other means of conveying water. Has no tanks or staves. Witness states that he carried so much water to prevent the casks from leaking; this quantity was on board at the time of capture. There were 40 mess-tubs on board at the time of capture, which were intended by witness to fill the casks with palm oil. There are two large iron boilers on board, intended for boiling palm oil. There were 200 cwt. of rice, 2 cwt. of beans, and 20 cwt. of jerked beef on board at the time of capture, for the use of the crew."

The testimony of Pedro Sanchez, the other witness, generally confirmed, so far as it went, that of Medeiros, whom Sanchez declared to be the owner of the vessel, but threw no new light upon the subject.

The Report of Survey was presented on the 2nd of May, and showed that the vessel was furnished with hatchways having false combings; the latter pierced with holes at short distances to receive iron bars, there being also iron bars on board of the proper size and in sufficient quantity to form gratings to the whole of the hatchways; the main hatchway being likewise remarkable for the unusual size of 14 feet in length by nearly 7 feet in width.

A slave deck, partly laid, with beams, and numbered plank sufficient to complete it fore and aft.

Fifty neck-irons, 52 leg-shackles, 24 shackle-bolts, and 2 slave chains, one 45, the other 41 feet in length.

The lower hold laid fore and aft with large casks, capable of containing a quantity of water far greater than requisite for the use of the crew. Sixteen mess-tins, and a large quantity of wooden spoons.

A large iron cooking place fitted with two very large iron slave-boilers, in addition to three iron boilers of a smaller size; also five large iron ladles, such as are usual in slave-vessels. A large quantity of rice and calavances, dried fish and jerked beef, stowed in lockers running along both sides of the vessel between decks, and far more than requisite for the use of the crew.

Publication of the evidence having been prayed for and granted, the captor's proctor closed his case, and presented a petition on the 3rd instant for a day of trial, which was appointed accordingly for the following day, being that on which the monition was returnable.

The equipment of the vessel being proved, not only by the Report of Survey, but by the testimony of the witnesses themselves; the course of Spanish trade being shown by the papers, which, defective as they are, prove three voyages from the Havana, whilst the master admits the object of the preceding voyage to have been of a similar nature to that of the present, and does not attempt to show that his vessel has ever visited a Portuguese port since 1836, it only remained to consider the point of ownership.

The passport names de Souza as the owner of the "*Fortuna*," whilst, on the other hand, the master (and his evidence is corroborated by that of the mate) alleges that he is himself the owner. The mode

in which he became possessed of the vessel is, however, described somewhat vaguely; he knows nothing of the person of whom he purchased her, except the name, and has not even the bill of sale in his possession. This is not, however, very material. If the master be indeed the owner, his admitted Spanish residence connected with the other circumstances of course of trade and equipment assure the condemnation of the "*Fortuna*;" whilst if the vessel be still the property of Char Char, the same rule would apply to her which was applied to the brig "*Fortuna*," condemned in this Court in December, 1839: the vessel is in either case equally amenable.

The Court, therefore, being of opinion that the "*Fortuna*" was essentially Spanish property, and engaged in the Slave Trade, decreed her condemnation accordingly on the 4th instant.

(Signed) M. L. MELVILLE.
G. MACDONALD.

No. 55.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, June 2, 1842.

(*Received August 20.*)

MY LORD,

WE have the honour to enclose herewith our Report of the case of the brigantine "*Desiao*" or "*Deseado*," condemned this day in the British and Spanish Mixed Court of Justice for being engaged in the Slave Trade.

This vessel was fallen in with by Her Majesty's brig "*Pantaloön*," Lieutenant Charles Horace Lapidge, Commander, on the 19th ultimo, anchored off the south-east end of Kanyabec, a small island to the northward of this place, and in the neighbourhood of the island of Bulama; and on the boats of Her Majesty's brig being despatched to search the vessel, it was found that she had been run ashore, and that the master and crew, with the exception of two persons, had deserted her, taking with them in their flight her papers, flag, and other articles.

The prize arrived here on the 24th ultimo, and the statements of the detained witnesses having led to a belief that she was a Spanish vessel, prosecution commenced against her as such, and terminated as before mentioned in her condemnation.

The only remarkable features in the case were the absence of both flag and papers, and the determined ignorance which the witnesses professed as to the names both of the master and of the owner; this concealment was probably sought in order that the guilty parties might avoid the unpleasant consequence of the laws of their own country being put in force against them on their return to Cuba, of which it is rumoured there have lately arisen, and we would hope with good grounds, very considerable apprehensions amongst the Spanish slave-traders on this coast.

We have little doubt of this vessel being any other than the schooner "*Deseada*," reported by Her Majesty's Consul at St. Jago de Cuba in January last, to be then fitting out at that place for the Slave Trade, with the probable destination of Bissao, and which report we were favoured with in your Lordship's Despatch of the 2nd of March last, and communicated on the first opportunity to the Senior Naval Officer here. We believe the present capture to have resulted from the information thus conveyed.

We have, &c.

(Signed)

M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 55.

Report of the Case of the Brigantine "Desiao" or "Deseado."

Sierra Leone, June 2, 1842.

THIS vessel was discovered on the 19th of May lying at anchor off the south-east end of Kanyabac, one of the Bissagos islands, by Her Majesty's brig "*Pantaloön*," Lieutenant Charles Horace Lapidge Commander; and on the boats of Her Majesty's brig being despatched to search her she was abandoned by the master and (with the exception of two persons) all the crew, who had carried off with them the ship's papers, the ensign, and other articles. A short examination having established the fact of equipment for the Slave Trade, and the statements of the two persons found on board having led Lieutenant Lapidge to believe that the detained vessel belonged to Cuba, he accordingly despatched her to Sierra Leone for adjudication in the British and Spanish Mixed Court of Justice.

The prize arrived here on the night of the 24th of May, and the captor's declaration, together with an affidavit of the Prize Officer respecting the seizure, were presented to the Court at a late hour on the following day. On the 26th the usual monition, as also a Commission of Survey and Inspection, were issued at the prayer of the captor's proctor.

The captor's declaration is as follows:—"I, Charles Horace Lapidge, Esquire, Lieutenant and Commander of Her Britannic Majesty's brig 'Pantaloen,' hereby declare that, on the 19th day of May, 1842, the 'Pantaloen' anchored off the south end of the island of Kanyabac, western coast of Africa, I detained the brigantine 'Desiao' at the south-east side of the island of Kanyabac, under Spanish colours, armed with no guns, owned by Don Jong, by the statement of the passenger Louis Alphonse, the captain being on shore, and no possibility of his coming off to the vessel as well as the crew. I have sent the same in charge of Mr. A. P. Arkwright, mate (with the following persons found on board that vessel), for being fitted for the traffic in slaves, viz.,

Louis Alphonse, passenger,
Giacomo Badaracco, mariner.

"I do further declare that the said brigantine was seaworthy, and was supplied with a sufficient stock of water and provisions to take her to Sierra Leone, and was in a healthy condition."

In addition to the information afforded by the captor's declaration, Mr. Arkwright, the Prize Officer, in his affidavit filed at the same time, stated that he "was despatched with the cutter and gig by the said commander, with orders to board the said vessel and examine her papers; but upon nearing her this deponent perceived that they had slipped her cable and were running her on shore, and upon getting up with her he only found two persons on board, one calling himself a passenger and the other a seaman, who informed this deponent that the said vessel was the Spanish brigantine called the 'Desiao,' belonging to a Spanish merchant, and that the master (whose name they did not know) had just abandoned the vessel, taking with him the remainder of the crew, the *whole of the vessel's papers*, the *Spanish ensign*, a compass, several bags of rice and other stores, and all the charts; and that upon searching the said vessel she was found in every respect fitted for the reception of slaves; and she was thereupon seized and detained by reason of her being engaged in the traffic in slaves, contrary to the Treaty entered into between His late Britannic Majesty and Her Majesty the Queen Regent of Spain, signed at Madrid on the 28th day of June, 1835. And this deponent further saith, that no papers whatever were found on board the said vessel, and from the hostile appearance of the natives on the island, it was not deemed prudent to send on shore for the master of the said vessel or the remainder of the crew; and that the day after the seizure of the said brigantine, the vessel being then high and dry, this deponent proceeded on board the 'Pantaloen' for the purpose of obtaining an extra anchor and cable for heaving her off, leaving Mr. George Martyr Smith, a midshipman, and 13 men in charge of her; and during this deponent's absence great numbers of the natives armed with muskets and spears surrounded the vessel, and made an attack upon her, but they were ultimately repulsed with the loss of three of their men, who were killed, and several of them wounded. And lastly this deponent saith, that no other change has taken place in the said vessel, her hull, cargo, or stores, since the time of capture, save and except some of the rigging, which has been shot away, and the hull and deck of the vessel, which was cut through in several places by musketoon shot, and the damage which may have occurred in hauling her off the ground. And further, that the said passenger and seaman have been brought to this port in the said vessel."

On the 27th, the two witnesses Giacomo Badaracco, a seaman, and Luis Alphonse, who called himself a passenger, were brought up and examined by the acting Registrar; the evidence given by the former was to the following effect:—"That he is ignorant of the name of the master of the detained vessel. Has known him about twenty-five days. He was born at Catalonia, and generally resides at St. Jago de Cuba. Does not know if he be married. He does not know who appointed the captain to the command of the detained vessel, or when or where he took possession of her; but from what he has learnt from the crew believes she left St. Jago de Cuba about three months ago. Has known her himself about twenty-four or twenty-five days. First saw her at Bissao. She was built at Baltimore. Was present at the time of capture. Does not know for what reason she was seized. Sailed under Spanish colours. There were no others on board except a signal flag with the letter D marked on it. The name of the vessel is 'Desiao.' Has borne that name since he knew her. Does not know of any other name by which she has been called, or her tonnage. There were eleven officers and mariners on board (exclusive of the master), all Spaniards, with the exception of witness and another man, who were Portuguese. All save witness were shipped at St. Jago de Cuba to the best of his knowledge, about three months ago. Does not know who shipped them. Has himself no interest in the vessel or cargo, but does not know whether the others had. Was seaman on board. There was one other person in the vessel at the time of capture besides witness, named Luis Alphonse, a native of Havana, and a subject of Spain. Witness does not know whether Alphonse was a passenger, as he has never heard him say so, but he always worked as carpenter; was taken on board about ten days before capture at Bulama, and was going to St. Jago de Cuba. Does not know upon what business. The said Alphonse had no concern or authority in the vessel or cargo. Witness does not know where the present voyage began or where it was to have ended, but thinks it must be St. Jago de Cuba. Does not know the last clearing port previously to capture, or at what ports or places the detained vessel may have touched during the present voyage. First saw the capturing ship about five or six days ago, when the detained vessel was at anchor off the island of Bulama, at which place she was afterwards taken. On the appearance of the man-of-war all the crew left the vessel (the captain and six men in a boat, and the three others swam ashore), with the exception of witness; the captain took a trunk with him. Does not know if the course was altered during any part of the present voyage. There were no guns, arms, or ammunition of any kind on board the detained vessel at the time of capture. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or refusing to deliver up any of the ship's papers. Does not know the name of the owner of the detained vessel at the time of capture. Knows nothing of any bill of sale, or what price may have been given for the detained vessel, or whether it has been paid, or any security given for the payment. Does not know the name or nation of the owner of the provisions on board the captured vessel, or where the said provisions were to be delivered, or for whose account and benefit. Does not know what the cargo consisted of on the last voyage, or where it was shipped. The present cargo consists of rice. No slaves have been taken on board during this voyage. The vessel after capture came direct to Sierra Leone.

Does not know if there were any papers on board the detained vessel, as he has never seen any, or if any papers or other writings were concealed, made away with, or carried away, never having seen any since he has been on board. He does not know if there are any papers or writings relating to the vessel and cargo in any country. Is ignorant whether there was any charty-party for the present voyage, or if the vessel or cargo be insured. The vessel was under the direction of the captain with respect to her employment in trade. Witness corresponds with no one relative to the vessel and cargo. The hatches are not fitted with open gratings. The combings of the hatchways are not bored to receive iron bolts or bars. There are no iron bars on board. There are three divisions below, and two bunks on deck. There are no spare planks on board. There is no part of a slave-deck laid. There were no shackles, bolts, or hand-cuffs on board at the time of capture. He is not certain, but believes there were 50 or 60 water-casks on board, all filled with fresh water at the time of capture. Does not know why the vessel carried so much water. There were three or four mess-tubs on board for the use of the crew. There were no copper or iron boilers. There was some rice on board at the time of capture, but does not know the quantity. Believes it to be for the crew."

The other witness, Luis Alphonse, who described himself as a carpenter, and who was evidently one of the crew at the time of capture, though he called himself a passenger, gave still more meagre testimony; he stated that the name of the vessel was '*Deseado*,' and that he had embarked in her at the island of Bulama, but denied all knowledge of the names of either the owner or the master, and professed ignorance even of the flag, which he declared he had never seen. He admitted, however, that he had heard from the rest of the crew, and believed, that the master was a resident of St. Jago de Cuba, and that the voyage had commenced and was to have ended there; and acknowledged also, that he had embarked in her for a passage to that place. In other respects, and particularly as regarded the vessel's equipment, where he gave any evidence he merely echoed the testimony of the other witness.

The Surveyors returned their commission into Court on the 28th, and reported that they had found, besides the close hatches usual in merchant vessels, *spare* grated hatches fitted for covering the main-hatchway, also five openings in the deck, such as are usual in slave-vessels, four of them fitted with wooden gratings.

Two sleeping bunks on deck in addition to the usual cabin below.

A grated bulk-head completely dividing the main-hold, unusual in merchant-vessels.

A complete *floor* of water-casks laid fore-and-aft in the hold, and 22 strong mats 12 feet long by 6½ feet wide, apparently intended for spreading over the casks so as to form a substitute for a regular slave-deck.

Thirty-seven water-casks, having an average capacity of 3700 gallons, being much more than requisite for the use of the crew of a merchant-vessel of her class.

An iron cooking-place fitted to receive five small boilers, two only of which were found, these being of the capacity of two-and-a-half gallons each.

Twenty-two bags, containing about 44 bushels of rice, also two barrels of salt provisions, some calavances and biscuit; the quantity of rice being much more than requisite for the use of the crew.

Publication of the evidence having been prayed for and granted, the Captor's proctor closed his case, and petitioned on the 31st for a day of trial, which was appointed accordingly for the 2nd of June.

The Report of Survey having clearly proved the fact of the equipment of the "*Deseado*" for the Slave Trade, it only remained to consider whether the nationality of the vessel had been sufficiently established.

On this point the absence of both flag and papers, and the abandonment of the vessel by the master, rendered the testimony of the two witnesses produced the only available evidence. The palpable untruths which pervaded the sworn statements of those persons, uttered apparently for the purpose of screening the master and the owner of the vessel from justice, must necessarily detract from the value of their evidence; at the same time the Court was disposed to give credit to some portion of that testimony, elicited, it must be remembered, with difficulty from reluctant parties.

One of these witnesses admitted, that the only flag the vessel had borne was that of Spain, whilst both spoke to the fact of the master and crew being Spaniards, and to the port of destination being Spanish, as well as (to the best of their knowledge and belief) that from whence the vessel had sailed.

Under these circumstances, and in the total absence of any proof to refute that which had been produced, the Court could not look upon the "*Deseado*" otherwise than as a Spanish vessel; and having met pursuant to appointment, sentence of condemnation was pronounced accordingly.

(Signed)

M. L. MELVILLE.
G. MACDONALD.

No. 56.

Her Majesty's Commissioners to Viscount Canning.

Sierra Leone, June 30, 1842.

(Received August 30.)

MY LORD,

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 during the half year ending this day.

We have, &c.,

(Signed)

M. L. MELVILLE.
G. MACDONALD.

The Right Hon. Viscount Canning,
&c. &c. &c.

Enclosure in No. 56.

Return of Vessels adjudicated by the British and Spanish Mixed Court of Justice established at Sierra Leone, between January 1, and June 30, 1842.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where captured.		Property seized.	Seizor.	Date of Sentence.	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.	Old Admeasurement.		
Senhora da Boa Viagem	Portuguese	Fernando Jozé Carreiras	1841. Nov. 22	6° 2' N.	3° 4' E.	Brig and cargo	T. R. Eden, Esq., H. B. M. sloop "Persian," and E. Wilson, Esq., H. B. M. brig "Cygnet."	..	..	..	..	Case withdrawn by consent of parties, and permission of the Court, in order that the vessel might be prosecuted in the Court of Vice-Admiralty, the evidence having failed to establish a Spanish character.	..
Presidente	Spanish	Antonio Beiso	1842. Jan. 20	7° 12' N.	12° 38' W.	Schooner and cargo	John Foote, Esq., H. B. M. ship "Madagascar."	Feb. 3	116½	191½	791,827	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.
Fortuna	Portuguese	Francisco Me-deiros	Mar. 22	6° 5' N.	3° 50' E.	Brig and cargo	Thos. R. Eden, Esq., H. B. M. sloop "Persian."	May 4	*218	300¾	158,848	..	..
Deseado	Spanish	†	May 19	Off the Island of Kanabec, one of the Bissagos.		Brigantine and cargo	C. H. Lapidge, Esq., H. B. M. brig "Pantaloon."	June 2	†	179½	83,888	..	..

* The tonnage of this vessel is taken from the evidence of the master, no tonnage being stated in any of the ship's papers.

† Neither the name of the master nor the foreign tonnage of the "Deseado" could be ascertained—no ship's papers having been found on board, and the witnesses having professed total ignorance on those points.

(Signed)

M. L. MELVILLE,
G. MAODONALD.

(Signed)

Sierra Leone, June 30, 1842.
T. C. WESTON, Acting Registrar.

No. 57.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 13, 1842.

I HEREWITH transmit to you, for your information, copies of two Despatches from Her Majesty's Commissioners at the Havana, containing their reports on the Slave Trade at that place, for the months of June and July last.

(Signed) In the absence of Lord Aberdeen. I am, &c., CANNING.

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

Enclosures in No. 57.

Havana Commissioners to the Earl of Aberdeen. July 20, 1842." " *August 13, 1842.*

(See Nos. 138 and 141, pages 182 and 186.)

No. 58.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, August 15, 1842.**(Received October 22.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of May last, transmitting to us for our information, copies of three Despatches from Her Majesty's Commissioners at the Havana, containing their reports on Slave Trade at that place, for the months of January, February, and March last.

It affords us much gratification to learn from those communications, that through the measures adopted by the Captain-General, the Slave Trade at Havana has, for the present at least, been effectually restrained.

We have, &c.
 (Signed) M. L. MELVILLE.
 G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
 &c. &c. &c.

No. 59.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, August 17, 1842.**(Received October 22.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 17th of June last, transmitting to us a copy of the report of Her Majesty's Commissioners at the Havana, on the Slave Trade at that place, for the month of April last.

We have, &c.
 (Signed) M. L. MELVILLE.
 G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
 &c. &c. &c.

No. 60.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 7, 1842.

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 August last.

I am, &c.,

(Signed) ABERDEEN.

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

Enclosure in No. 60.

Havana Commissioners to the Earl of Aberdeen. September 14, 1842.

(See No. 151, page 205.)

No. 61.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 26, 1842.

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 September 1842.

I am, &c.,

(Signed) ABERDEEN.

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

Enclosure in No. 61.

Havana Commissioners to the Earl of Aberdeen. October 14, 1842.

(See No. 158, page 215.)

No. 62.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 29, 1842.

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 October last.

I am, &c.,

(Signed) ABERDEEN.

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

Enclosure in No. 62.

Havana Commissioners to the Earl of Aberdeen. November 19, 1842.

(See No. 162, page 219.)

SIERRA LEONE. *(Portugal.)*

No. 63.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, December 18, 1841.

(Received February 1, 1842.)

MY LORD,

WE have the honour to enclose our report of the case of the schooner-rigged boat "*Formigo*," Antonio Silveira, master, prize to Her Majesty's ship "*Iris*," Captain Tucker, and condemned this day in the British and Portuguese Court of Mixed Commission.

The "*Formigo*" was detained on the 5th of November last, off the island of St. Thomas, whither she was bound with a cargo of slaves, shipped at Cape Lopez by one José Mariño, a Portuguese subject, and the owner of both the vessel and her lading. At the time of her capture she was provided with neither flag, nor papers of any description.

A survey having been held on the prize by the carpenter and two officers of the "*Iris*," she was declared to be incapable of making the voyage to Sierra Leone, and was in consequence taken to, and left at, Princes Island; and the slaves and the master of the boat, having been taken in the first instance on board Her Majesty's ship "*Iris*," were subsequently embarked in the Brazilian schooner "*Galianna*" for a passage to Sierra Leone; that vessel having been captured by Her Majesty's brig "*Cygnets*," on suspicion of being engaged in the Slave Trade, and being then on her way to this port for adjudication.

The "*Galianna*" arrived here on the evening of the 10th instant, but, the Marshal having received no information respecting the slaves when he boarded that vessel, a circumstance which must be attributed to the fact of there being no person in charge of them who was interested in the capture, the Court was, not apprized of their arrival until the afternoon of the 11th; the consequence was, that, notwithstanding the utmost exertions on our part, it was found impracticable to land them till the following morning.

Proceedings commenced against the "*Formigo*" on the 11th, and terminated this day, as before mentioned, in the condemnation of the vessel and the emancipation of sixteen slaves, the survivors of the original cargo of eighteen.

We have given directions for the immediate preparation of the usual commission for the appraisement and sale of the vessel at Princes Island, with the view to its being issued on the first favourable opportunity.

We cannot close this Despatch without remarking on the line of conduct pursued by Captain Tucker, commanding the capturing ship, in sending the case for adjudication, contrary to his instructions, with only a *single* witness from the crew of the prize, and with neither officer or seaman of the "*Iris*" to take charge of the slaves, and to give evidence of the capture. The immediate result of this mode of proceeding was, as has been shown, that the slaves were not reported to the Court on their arrival, and were in consequence detained a day longer on board the "*Galianna*" than they ought to have been; and had the master of the boat, the solitary witness in the case, given any other than the remarkably plain and straightforward testimony which he afforded, the result most probably would have been, that the slaves must have remained unemancipated until such time as Captain Tucker himself should have come forward to make affidavit to the seizure.

We have, &c.

(Signed)

WALTER W. LEWIS.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 63.

Report of the case of the Portuguese schooner-boat, "Formigo," Antonio Silveira, Master.

Sierra Leone, Decembe 18, 1841.

THE schooner-rigged boat "*Formigo*," Antonio Silveira, Master, with a crew of 2 men and 1 passenger, bound from Cape Lopez to the Island of St. Thomas, with a cargo of 18 slaves, but unfurnished with either colours or papers of any description, was fallen in with and detained on the 5th of November last, in lat. 0° 31' N., long. 6° 51' E., by Her Majesty's ship "*Iris*," Captain William Tucker, who on the following day had a survey held on the prize, when she was declared incapable of making the voyage to Sierra Leone, and in consequence the 18 slaves and the master, Antonio Silveira, were taken on board the "*Iris*," and the boat was placed in the custody of a petty officer of that ship stationed at Princes Island in charge of the letter-boxes.

On the 17th of November one of the male slaves died; and on the same day the survivors, 17 in number, as also Antonio Silveira, were put on board a Brazilian schooner, named the "*Galianna*," for a passage to Sierra Leone—the "*Galianna*" having been captured by Her Majesty's brig "*Cygnnet*," on suspicion of being engaged in the Slave Trade, and being on her voyage to that port for adjudication.

In forwarding the slaves to Sierra Leone, Captain Tucker, however, not only neglected to send with them, as his instructions direct him, *two at least of the crew* of the detained vessel, as witnesses, but seemed to think that it was wholly unnecessary either that some party who was interested in them should be in charge of the slaves, or that he should furnish to the Court any other evidence of the seizure, besides the usual (unattested) declaration, than what might be elicited from the master of the captured vessel, who is generally an unwilling, and almost always an unfaithful, witness.

The immediate result of this proceeding was, that, although the "*Galianna*" arrived here on the evening of the 10th instant, and was boarded early the following morning by the marshal, when all particulars were readily furnished to him respecting the capture of that vessel, he was afforded no information respecting the slaves, in consequence of which the Court was not apprised of their arrival till the afternoon of the 11th; and though the acting surgeon to the Courts and the marshal were then immediately despatched on board the "*Galianna*," and the sanction of the Lieutenant-Governor obtained to the landing of the slaves, it was found impracticable to get them ashore until the following morning (Sunday).

Proceedings commenced against the "*Formigo*," in the British and Portuguese Court of Mixed Commission, and the usual motion was issued on the 11th instant.

The captor's declaration is as follows:—"I, William Tucker, Esquire, Captain of Her Britannic Majesty's ship '*Iris*,' hereby declare that on the 5th day of November, 1841, being off the Island of St. Thomas, in lat. 0° 31' N., long. 6° 51' E., I detained a boat named the '*Formigo*,' under no colours, and with no papers, but said to be Portuguese, armed with no guns, commanded by Antonio Silveira, who declared her to belong to St. Thomas, on the Coast of Africa, and to be bound there from Cape Lopez, with a crew consisting of 4 men, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 18 slaves, said to have been taken on board at Gongatong, Cape Lopez, on the 2nd instant, and are enumerated as follows, viz. :—

	Healthy.	Sickly.
Men	4	..
Women	2	1
Boys	9	1
Girls	1	..

And that the said boat appeared not seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes on their destined voyage to St. Thomas.

"I do further declare that the said boat was declared, as per report of survey annexed, to be incapable and unfit for performing the voyage to Sierra Leone, the place of adjudication: that the said slaves, as enumerated above, were, in consequence, with the master, removed on board Her Majesty's ship '*Iris*,' for conveyance to Sierra Leone; and the boat, together with her cargo and stores, left in charge of Tom Jones, petty officer and head krooman of the said ship, residing at West Bay, Prince's Island, in charge of the letter-boxes.

"I do further declare that, during the night of the 17th instant, one of the men slaves departed this life, and his body was committed to the deep on the morning of the 18th instant, as per following extract from the ship's log:—

"Remarks, &c. Thursday, 18th November, 1841: Died, during the night, one of the male slaves. Committed the body to the deep with 2 hammocks and 2 thirty-two pound shot."

"And I further declare that the remainder of the slaves, 17 in number, were, with the master, Antonio Silveira, on the 17th of November, 1841, removed to the '*Galianna*,' Brazilian schooner, detained by Her Majesty's brig '*Cygnnet*,' for being equipped for and engaged in the Slave Trade, for a passage to Sierra Leone for adjudication and liberation."

Annexed to this declaration is a list of the stores of the captured vessel, and also a certificate (signed by the carpenter and 2 officers of the "*Iris*"), showing that, the "*Formigo*" being only 24 feet long, 8 feet broad, and 3½ feet in depth, she was incapable of performing the voyage to Sierra Leone.

The affidavit of seizure was made by Mr. C. Parsons, the prize-master of the "*Galianna*," and an officer of Her Majesty's brig "*Cygnnet*:" as that gentleman was not present at the seizure of the "*Formigo*," his testimony merely established the facts, that on the 17th of November last 17 slaves, stated to be the surviving cargo of the Portuguese boat "*Formigo*," captured by Her Majesty's ship "*Iris*," had been received by him from on board the latter vessel, by the orders of Captain Tucker, with instructions to take them to Sierra Leone for adjudication; and further, that one of those slaves had died since embarkation on board the "*Galianna*."

On Monday the 13th Antonio Silveira was brought up and examined by the registrar; his evidence was as follows:—"That he was born in the Island of Terceira. Has lived at Havana during the last 12 years. Is a subject of Portugal, and has never served any other state. Is unmarried. José Mariano (witness cannot recollect this person's proper name), who resides at Cape Lopez, and is a Portuguese subject, appointed witness to the command, and gave him possession of the detained vessel at the abovementioned place about two months and a half ago. First saw and knew the vessel there and then. Does not know where she was built. Witness was present at the time of seizure, which took

place on account of there being slaves on board. There were no colours of any description, nor had witness ever seen any. The name of the vessel is '*Formigo.*' She has always been so called since witness has known her. Cannot tell the tonnage of the said vessel. The crew consisted of but 2 mariners, exclusive of witness; the one belonged to Angola, and the other to St. Thomas. Both embarked at Cape Lopez, where they had been shipped and hired by José Mariano about two months and a half ago. Neither witness nor either of the two sailors had any interest in the vessel or her lading. Was master on board. There was 1 passenger on board at the time of capture, whose christian name, '*Juan,*' witness alone recollects. He was a native of St. Thomas, and, having been cast away in a large boat in which he was coming from St. Thomas to the coast to trade, he took a passage on board the detained vessel at Cape Lopez, for the purpose of returning to that island. The said passenger had no direct or indirect interest in the vessel or her lading, nor any authority on board. The present voyage began about two months and a half ago, at Cape Lopez, and was to have ended at St. Thomas. [The vessel obtained no clearance at any place. Did not touch or anchor at any port or place from the time of leaving Cape Lopez to the time of capture; nor did any communication, either by boats or otherwise, take place between the said vessel or the shore, or with the natives. He first observed Her Majesty's ship '*Iris,*' the capturing vessel, about two league from St. Thomas's, witness thinks, to the best of his knowledge, about a month and a half ago. There was no chase, neither was the course altered, nor additional sail hoisted, on the appearance of the said man-of-war, nor had the vessel, on any previous occasion, sailed wide of the place to which she was destined, namely, St. Thomas. There are no guns, arms, or ammunition on board. No resistance was made at the time of capture. Had no instructions to resist or endeavour to avoid or escape from capture, or for destroying, concealing, or refusing to deliver up any of the papers belonging to the vessel, no documents having been at any time delivered to witness which related either to the said vessel or her lading. The aforesaid José Mariano, a subject of Portugal, as before stated, was the sole owner of the vessel at the time she was seized. Knows that the said person is the owner, from having heard him mention the fact. The said José Mariano occasionally lives at Bahia, and occasionally at St. Thomas, but is at present residing at Cape Lopez. Witness knows nothing of any bill of sale, or of the price of the vessel, or of the name of the seller. Believes, however, if the vessel be restored she will belong to the said José Mariano, and to no other person. Is ignorant of the existence of any private agreement for the restoration of the vessel to her former owner. The lader and sole owner of the 18 slaves, the whole cargo of the vessel, was the said José Mariano, who embarked them at Cape Lopez, about two months ago, under consignment to one Cayetano, a Portuguese subject, and now living and carrying on a small trading business at St. Thomas on his own account, risk, and benefit. Witness believes that the said slaves, if restored, will belong to José Mariano, he having shipped them, and having so informed witness. He is ignorant of the lading on the last voyage. The cargo on the present voyage was slaves, of whom 18 (3 men, 3 women, 11 boys, and 1 girl) were all taken on board at Cape Lopez, and were embarked from the shore two months ago. None died previous to capture. Two deaths occurred eight days after detention, 1 on board the capturing vessel, Her Majesty's ship '*Iris,*' and 1 after their removal to the Brazilian schooner '*Galianna,*' prize to Her Majesty's brig '*Cygnets.*' The detained vessel was sent to Princes, and witness and the slaves were transhipped on board the '*Galianna,*' for a passage to Sierra Leone. Witness cannot depose as to the truth or fairness of the passport and other papers, never having seen any on board the detained vessel; nor can he tell, if there be any, whether they be false or colourable. He cannot say whether any papers have been destroyed, cancelled, concealed, or carried away. Witness does not know if there be any papers relating to the vessel and lading in any country. Witness knows nothing of any charter-party for the present voyage. He does not know whether any insurance has been effected on the vessel or cargo. The vessel was under the direction of the owner, José Mariano, at Cape Lopez, in regard to her trade; on leaving that place witness received verbal instructions from the said owner to proceed to St. Thomas with the 18 slaves. After capture the slaves were removed on board the '*Galianna,*' a Brazilian schooner, and a prize to a British man-of-war, the detained vessel having been sent by the captors to Princes. No slave has been disembarked on any other occasion."

On the following day (14th) publication of the evidence was granted, and on the 16th a petition for a day of trial of the "*Formigo*" was presented by the proctor for the captors; the 18th, being the day on which the monition was returnable, was appointed for that purpose:

When the Court, having met, and having heard the evidence filed in the case read, and received the marshal's return of slaves (from which it appeared that there had been no death amongst them since their arrival in this harbour), was of opinion that the Portuguese ownership and the illicit traffic of the "*Formigo*" with the Island of St. Thomas were proven, and accordingly condemned the said vessel and stores as good and lawful prize to the crowns of Great Britain and Portugal, and emancipated the slaves, 16 in number, being the survivors of the 18 originally captured.

(Signed)

WALTER W. LEWIS.
M. L. MELVILLE.

No. 64.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 31, 1841.

(Received March 19, 1842.)

SIR,

IN pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty Geo. 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 the only vessel adjudicated in the British and Portuguese Court of Mixed Commission during the half-year ending this day.

We have, &c.

(Signed)

M. L. MELVILLE.

J. Backhouse, Esq.,
&c. &c. &c.

Enclosure in No. 64.

Return of one Vessel adjudicated by the British and Portuguese Court of Mixed Commission, established at Sierra Leone, between July 1 and December 31, 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.									
Formigo	Portuguese	Antonio Silveira	1841. Nov. 5	.31' N.	6° 51' E.	Schooner Boat and Slaves	William Tucker, Esq. H. B. M. ship "Iris,"	1841. Dec. 18	18	2	16	Cannot be given, as there were no passengers for the vessel, and the vessel herself was left at Prince's Island.	Condemned for being engaged in the illicit traffic in slaves.	Commission of appraisal and sale issued for the sale of the schooner, boat and her fittings at Prince's Island, where she has been left, to which there has not been time for any return.

Sierra Leone, December 31, 1841.

WALTER W. LEWIS.
M. L. MELVILLE.

(Signed)

C. B. BIDWELL, Registrar.

(Signed)

No. 65.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, December 31, 1841.**(Received March 19, 1842.)*

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 year ending this day.

In that period only one vessel has been adjudicated and condemned, and from which sixteen slaves were emancipated.

We have, &c.

(Signed) M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 65.

Abstract of the Proceedings in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the repression of the Slave Trade, during the year 1841.

Sierra Leone, December 31, 1841.

THE "*Formigo*," a schooner-rigged boat, twenty-four feet long by eight feet in breadth, with a crew consisting of the master, Antonio Silveira, and two seamen, was fallen in with on the 5th of November, 1841, off the Island of St. Thomas, by Her Majesty's ship "*Iris*," Captain William Tucker.

On examination no flag or papers of any description were discovered, but she was found to have a cargo of eighteen slaves on board, chiefly children, who had been shipped at Cape Lopez for the Island of St. Thomas by the owner of the boat, José Mariano, a Portuguese subject.

A survey having been held on the "*Formigo*," she was pronounced unfit for making the voyage to Sierra Leone, and was taken to Princes Island, and left at that place in charge of a petty officer of the "*Iris*;" the master, Antonio Silveira, and the eighteen slaves, having been taken on board the capturing ship, and subsequently embarked in the Brazilian schooner "*Galianna*" for a passage to Sierra Leone, that vessel having been detained by Her Majesty's brig "*Cygnat*," and being then on her way to that port for adjudication.

The captor, in transmitting the slaves to Sierra Leone, adopted the unusual and very reprehensible course of sending with them, in opposition to his instructions, only a single witness from the crew of the prize, and neither officer nor seaman of the "*Iris*," who might have afforded evidence of the capture, and have taken charge of the slaves.

Fortunately for the interest of the captors, Antonio Silveira admitted, on examination by the registrar, all the material points in the case, and the proceedings, which commenced on the 11th of December, the day after the arrival of the "*Galianna*," terminated on the 18th in the confiscation of the "*Formigo*," and the emancipation of her surviving slaves, sixteen in number, one having died on board the "*Iris*," and one on board the "*Galianna*," subsequently to capture, and prior to adjudication.

(Signed) M. L. MELVILLE.

No. 66.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, February 2, 1842.**(Received April 15.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 15th of December last, transmitting to us, for our information and guidance, a copy of a Despatch, and of its enclosures, from Her Majesty's Envoy at Lisbon, on the subject of the conduct of Mr. Pluma, the Tuscan Consul at Havana, in granting papers to slave-vessels.

We are instructed by this communication, 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.

We trust that this declaration of the Portuguese Government may be attended with beneficial effects.

We have, &c.

(Signed) G. MACDONALD.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

No. 67.

(Circular.) *The Earl of Aberdeen to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, August 15, 1842.

I HEREWITH transmit to you, for your information, six copies of a Treaty between Her Majesty and the Queen of Portugal for the suppression of the traffic in slaves, signed at Lisbon on the 3rd of July, 1842.

The ratifications of this Treaty were exchanged at Lisbon on the 30th of July, 1842.

I am, &c.

(Signed) ABERDEEN.

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

Memorandum.

This Circular was also sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; to Her Majesty's Ambassadors at Paris, Vienna, Constantinople, and St. Petersburg; to Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Dresden, Hanover, the Hague, Brussels, Frankfort, Stutgardt, Munich, Berne, Turin, Florence, Naples, Madrid, Lisbon, Athens, Washington, Rio de Janeiro, and Buenos Ayres; to Her Majesty's Chargés d'Affaires at Hamburg, Bogotá, Caracas, Valparaiso, and Texas; to Her Majesty's Consuls-General in Syria, Persia, Egypt, Tripoli, Tunis, Algiers, Tangier, Trieste, Monte Video, Odessa, Havana, and Constantinople; and to Her Majesty's Consuls at Cochabamba, Hayti, San Salvador, Guayaquil, Lima, St. Petersburg, Stockholm, Elsinore, Danzig, Amsterdam, Rotterdam, Antwerp, Calais, Havre, Brest, Marseilles, Cadiz, Malaga, Teneriffe, St. Jago de Cuba, Lisbon, St. Michael's, Cape Verds, Madeira, Oporto, Naples, Portland, Boston, New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, New Orleans, Rio de Janeiro, Maranhão, Pará, Pernambuco, Bahia, Paraíba, and Buenos Ayres.

No. 68.

(Circular.) *The Earl of Aberdeen to Her Majesty's Commissioners.**Foreign Office, August 16, 1842.*

WITH reference to Viscount Palmerston's Despatch of the 3rd of September, 1839, enclosing copies of the Act of Parliament passed on the 24th of August, 1839, intituled "An Act for the Suppression of the Slave Trade," I now transmit to you, for your information, six copies of an Act of Parliament passed on the 12th instant, for repealing so much of the first-mentioned Act as relates to Portuguese vessels.

I am, &c.

(Signed) ABERDEEN.

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

Memorandum.

This Circular was likewise sent to Her Majesty's Commissioners at Havana, Rio de Janeiro, and Surinam; to Her Majesty's Ambassadors at Paris, Vienna, Constantinople, and St. Petersburg; to Her Majesty's Ministers at Berlin, Stockholm, Copenhagen, Dresden, Hanover, the Hague, Brussels, Frankfort, Stutgardt, Munich, Berne, Turin, Florence, Naples, Madrid, Lisbon, Washington, Mexico, Rio de Janeiro, and Buenos Ayres; to Her Majesty's Chargés d'Affaires at Hamburg, Bogotá, Caracas, Valparaiso, and Texas; to Her Majesty's Consuls-General in Egypt, Monte Video, and Havana; and to Her Majesty's Consuls at Hayti, Guyaquil, Lima, Cadiz, Teneriffe, St. Jago de Cuba, Lisbon, Cape Verds, New York, New Orleans, Baltimore, Rio de Janeiro, Pernambuco, Maranhão, Pará, and Bahia.

No. 69.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 27, 1842.

WITH reference to my Despatch of the 15th instant, enclosing copies of the Treaty concluded on the 3rd of July last between Great Britain and

Portugal, for the Suppression of the Slave Trade, I herewith transmit to you a copy of a Despatch which I have recently addressed to Her Majesty's Envoy at Lisbon, by which you will learn that the following places have been fixed upon for the residence of the Mixed Commissions, which are to adjudge the cases of vessels detained under that Treaty.

Namely:—

In Her Majesty's dominions, Jamaica, and the Cape of Good Hope.

In the dominions of Her Most Faithful Majesty, St. Jago, in the Cape Verds, and Loanda.

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

I am, &c.
(Signed) ABERDEEN.

Enclosure in No. 69.

The Earl of Aberdeen to Lord Howard de Walden. August 13, 1842.

(See Class B. No 137.)

No. 70.

Her Majesty's Commissioners to Viscount Canning.

Sierra Leone, June 30, 1842.

(Received August 30.)

MY LORD,

WE have the honour to acquaint your Lordship that no vessel has been adjudicated in the British and Portuguese Court of Mixed Commission during the last half-year.

The Right Hon. Viscount Canning,
&c. &c. &c.

We have, &c.
(Signed) G. MACDONALD.
M. L. MELVILLE.

No. 71.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 11, 1842.

WITH reference to my Despatch of the 27th of August last, notifying to you the places which had been fixed upon as the stations of the Mixed Commissions to be established under the Treaty of the 3rd of July, 1842, between Great Britain and Portugal, for the suppression of the traffic in slaves, I have now to inform you that the Government of Her Most Faithful Majesty have decided that the Mixed Court to be established in the Cape Verd Islands shall reside at the Island of Boa Vista, instead of the Island of St. Jago.

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

I am, &c.
(Signed) ABERDEEN.

No. 72.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 10, 1842.

WITH reference to the Treaty concluded between Great Britain and Portugal at Lisbon, on the 3rd of July, 1842, for the suppression of the Slave Trade, I transmit herewith to you, for your information and guidance, copies of letters which have passed between the Admiralty and this Office respecting

the adjudication of Portuguese slave-vessels by the Mixed British and Portuguese Commission sitting at Sierra Leone, and of which you are members.

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

I am, &c.
(Signed) ABERDEEN.

First Enclosure in No. 72.

Sir John Barrow to Viscount Canning.

MY LORD,

Admiralty, November 19, 1842.

WITH reference to your Lordship's letter of the 23rd of September last, I am commanded by my Lords Commissioners of the Admiralty to request that the Earl of Aberdeen will cause my Lords to be informed whether, in consequence of the Treaty therein alluded to of the 3rd of July last, his Lordship considers the former Treaties with Portugal relative to the Slave Trade to be annulled, and that naval officers on the coast of Africa should be informed that they can no longer send Portuguese slave-vessels to Sierra Leone for adjudication, or to any other places than those mentioned under the Treaty of the 3rd of July last.

Viscount Canning,
&c. &c.

I am, &c.
(Signed) JOHN BARROW.

Second Enclosure in No. 72.

Mr. Addington to Sir John Barrow.

SIR,

Foreign Office, November 23, 1842.

I HAVE received, and laid before the Earl of Aberdeen, your letter of the 19th instant, and I am directed by his Lordship to request that you will observe to the Admiralty, that ships detained by Her Majesty's cruisers upon a charge of illegal Slave Trade, under the Treaties and Conventions between Great Britain and Portugal, and sent in by Her Majesty's cruisers, for adjudication by the Commission at present sitting at Sierra Leone under the Convention of the 28th of July, 1817, may be tried by the said Commission under that additional Convention, and its Annexes, and the Additional and Supplementary Articles thereto, up to the period of the ratifications of the Treaty of the 3rd of July, 1842, between Great Britain and Portugal; and may, from the last-mentioned period, be tried by that Commission according to the principles and stipulations of the Treaty of the 3rd of July, 1842, until the appointment and definitive establishment of the Mixed Commissioners, under the Treaty of the 3rd of July, 1842.

But Lord Aberdeen apprehends that, from and after the definitive establishment of the Mixed Commissions under the Treaty of the 3rd of July, 1842, the judicial functions of the Commission at present sitting at Sierra Leone, under the Convention of the 28th of July, 1817, will properly cease, and that Court will no longer be competent to take cognizance of any cases of Slave Trade brought before it for adjudication.

Sir John Barrow,
&c. &c.

I am, &c.
Signed H. U. ADDINGTON.

SIERRA LEONE. (*Netherlands.*)

No. 73.

Her Majesty's Commissioners to Mr. Backhouse.

SIR,

Sierra Leone, December 31, 1841.

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.

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

We have, &c.
(Signed) M. L. MELVILLE.

No. 74.

Her Majesty's Commissioners to Viscount Canning.

MY LORD,

Sierra Leone, June 30, 1842.

(Received August 30.)

WE have the honour to acquaint your Lordship that no vessel has been adjudicated in the British and Netherlands Mixed Court of Justice during the half year ending this day.

The Right Hon. Viscount Canning,
&c. &c. &c.

We have, &c.
(Signed) G. MACDONALD.
M. L. MELVILLE.

Enclosure in No. 76.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Sierra Leone, between July 1 and December 31, 1841.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where captured.	Property Seized.	Seizor.	Date of Sentence.	Tonnage of 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.
								Foreign, according to the Papers.	Old Admeasurement.	English. New Admeasurement.		
Firmé . . .	Brazilian	Silverio de Britto	1841. May 30	Off Whydah	Brigantine and Cargo	Edward Littlehales, Esq., H. B. M. brigantine " Dolphin."	1841. July 8	179	138 $\frac{3}{4}$	88 $\frac{5}{8}$	Condemned for being engaged in the illicit traffic in slaves.	Vessel and stores sold at public auction, and the proceeds paid into the military chest.
Nova Fortuna	Do.	Francisco Jozé da Rocha	June 6	Off British Accra	Polacca and Cargo	Thomas Rodney Eden, Esq., H. E. M. sloop " Persian."	" 20	77	93 $\frac{1}{4}$	52 $\frac{3}{8}$		
Flor d' America	Do.	Manoel Jozé Pereira	" 29	Rio Congo	Schooner and Cargo	Henry John Matson, Esq., H. B. M. brig " Water Witch."	" 31	60	50 $\frac{1}{4}$	31 $\frac{3}{8}$		
Donna Elliza	Do.	Antonio de Silva Monteiro	" 30	Benguela roads	Brigantine and Cargo		Aug. 3	*	50 $\frac{1}{4}$	34 $\frac{1}{8}$		

* This vessel being unprovided with the usual ship's papers, her foreign tonnage could not be ascertained.

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

(Signed) C. B. BIDWELL, Registrar.
Sierra Leone, December 31, 1841.

No. 77.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, December 31, 1841.*

MY LORD,

(Received March 19, 1842.)

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.

Ten 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)

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.,

&c.

&c.

&c.

Enclosure in No. 77.

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 1841.

Sierra Leone, December 31, 1841.

1. The Brazilian brigantine "*Feliz Ventura*," a vessel belonging to the port of Rio de Janeiro, where her owner, Francisco José da Silva, resides, sailed thence in September, 1840, under the command of José Mariano da Costa e Silva, on a voyage to {St. Thomas' and Prince's islands, and the ports on the coast of Africa, touching on her way out at Bahia. Accordingly, the "*Feliz Ventura*" touched at Bahia, and there embarked various goods, but none of those directed in the written instructions of the Rio owners, as will fully appear hereafter in the decision of the Court. The vessel then departed from Bahia on the 22nd of October, 1840, ostensibly bound to St. Thomas on the Equator.

On the 29th of November, however, the "*Feliz Ventura*" was found cruising off Cape Mount by Her Majesty's brig "*Rolla*," Lieutenant Commander Hall, who detained and sent her to this place for adjudication, on the ground of her being concerned in the Slave Trade.

The "*Feliz Ventura*" arrived in this port on the 10th of December, 1840, and on the following day her prosecution commenced on the above-mentioned charge, the evidence in support of which was at once furnished by the seizer.

The master of the detained vessel, however, having filed a claim, and caused evidence to be taken thereunder, in the hope of clearing up his case, the process proved more than usually lengthy. It will not, however, be necessary to give a further description of this evidence than what the following decision pronounced in the case affords.

The Court, in giving judgment herein, observed that the owner's written instructions to the master and mate, who were appointed consignees of the goods said to have been shipped at Rio de Janeiro, were, that they should carry the brigantine to Bahia, and there purchase and embark tobacco and spirits only, to complete the said cargo, which they were then to dispose of on the coast of Africa, for "such goods, the produce of the country, as in their judgment they may conceive most suitable in this (the Rio) market or that of Bahia, and most advantageous to the firm."

These instructions were entirely neglected by the master of the "*Feliz Ventura*," as far as his proceedings at Bahia were concerned, for he did not purchase either tobacco or spirits on his owner's account, but, on the contrary, shipped various goods for the interest of himself and four other persons belonging to Bahia. The manifest of the cargo drawn up by the master, with which this vessel was stated to have left Bahia, described a part only of the cargo shipped by the owners at Rio as embarked by them, and stated that the remainder of that cargo had been shipped by the master himself; when it was, in reality, only consigned to him. The documents in question described forty-three casks of spirits as embarked by three different persons; and a sailor on board as having shipped for himself seven casks of biscuits and one of preserves, in addition to exhibiting the master as a shipper, on his own account, of three casks and 320 other packages of tobacco.

The master's claim, on being filed, completely contradicted the manifest, by declaring all on board the "*Feliz Ventura*" to belong solely and entirely to the owner of the vessel, excepting the seaman's biscuits and preserves.

On the cross-examination of the master, he admitted that the said seaman had also three casks of spirits and ten of tobacco on board, and that those articles were in his charge; and added, that the bills of lading marked A and B contained a full description of all the goods on board the detained vessel. These statements were contradicted by the bills of lading and by the manifest. The bills of lading, which bore date at Rio de Janeiro previous to the vessel leaving that port, contained many of the articles which appeared to have been shipped at Bahia a month subsequent to their date, and the Court remarked that their interpolation was plainly evident. It was also observed that the following articles, entered in the Bahia manifest, were not named in the bills of lading, notwithstanding the master's assertion that the latter contained a list of everything on board:—one hundred tin measures, well adapted for either feeding slaves or giving them water, and thirty-five casks of spirits, shipped by a man at Bahia and the second mate of the vessel.

The foregoing allusions to the proceedings of the master of this vessel the Court considered necessary previous to inquiring into the charge under which she had been brought before it.

The evidence tendered in support of the prosecution of the "*Feliz Ventura*" on the charge of her being concerned in the Slave Trade, was chiefly her being unlawfully equipped, which indicated the intention to engage in that traffic. The survey held on this vessel's equipment showed that she carried

water-casks equal to 1433 gallons, being an excess of the proper quantity for her crew and passengers of 473 gallons. Her cabouse was larger than requisite, lined with tin, and provided with a grating whereon a slave-boiler could be used. In addition to the requisite number of mess-kits for the crew there were two wooden bowls (equal to from six to seven gallons) adapted for feeding slaves. There were on board nine bushels of farinha and a quantity of jerked-beef, in addition to as much biscuits and beef as the crew could possibly use; and the ceiling of the vessel was left open at the distance of four feet from the upper deck, an arrangement which the surveyors were of opinion offered every facility for laying a slave-deck.

This evidence the Court pronounced to be conclusive as to the intention of the parties concerned in the "*Feliz Ventura*" to engage her in the Slave Trade, when viewed in connexion with the fraudulent practices which have characterised this vessel's proceedings from the moment of her leaving Rio de Janeiro; the exorbitant rate of wages which the master has proved to have been allowed the crew, and the contradiction on this point between the master's evidence and owner's instructions; and with the fact of 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 eight or ten days were, according to the log book, uselessly employed in sailing up and down the Coast.

The sentence of the Court was pronounced on the 11th of January, 1841, to the effect that, under the foregoing circumstances, the "*Feliz Ventura*" was a good and lawful prize to the crowns of Great Britain and Brazil.

2. The schooner "*Bellona*," Francisco Pedro Ferreira master, sailed on the 7th of November, 1840, under the Portuguese flag and pass, from Rio de Janeiro, where she had been fitted out by her owner, a resident of that city, for "the fishery and Lisbon, by way of St. Catherine's and Bahia." The instructions from the said owner, Manoel Antonio Ferreira da Silva, explained the above-mentioned term of "the fishery" to mean a whaling voyage, the oil obtained in which was to be disposed of at Bahia or Lisbon. This shallow artifice to cover, if possible, the illegal equipment which the schooner carried, was endeavoured to be maintained by the master and crew almost daily recording excuses for proceeding nearly direct from Rio to the Portuguese African settlements to the south of the line. These excuses appeared in the form of a series of very lengthy protests, which set forth in great form and prolixity, that gale after gale of wind sprung up, forcing them away from their intended course, and that on one occasion when they had actually harpooned a whale, another gale came on which forced them to allow the said whale to escape, carrying off all their fishing-tackle, whereby the object of the voyage was completely defeated. On this it was decided by the mariners that they should make for the nearest port, which proved, conveniently enough, to be Angola, to which place more gales impelled her, but off which she was captured by Her Majesty's sloop "*Fantome*," Commander Butterfield, in consequence of her being, in his opinion, a Brazilian vessel, and as such illegally equipped.

The "*Bellona*" arrived here on the 4th of January, 1841, and her prosecution was commenced on the same day before the British and Brazilian Mixed Commission.

On the part of the captor, evidence was given very satisfactorily establishing the charges he had preferred against this vessel.

The Brazilian nationality of the schooner was plainly proved by a course of trade from and to the port of Rio de Janeiro, in which port it was also shown her owner resided; whilst her unlawful equipment was sworn to consist of casks equal to holding 5400 gallons of water, 28 mess-kids and tins, a number far more than requisite for the crew, two boilers equal to 62 gallons, forming an unusually large cooking apparatus, and an amount of provisions consisting of jerked beef, calavances, and farinha, much more than requisite for the use of the crew.

The before-mentioned plea under which it had been attempted to excuse having this unlawful equipment on board, the Court rejected as altogether unworthy of credit, and declared its belief that the voyage in which the schooner had been detained was, like her previous one, in the very questionable trade between Rio and Angola. The nature of the intended cargo on the schooner's return was plainly indicated by her equipment to have been slaves, and her Brazilian national character being beyond question, her condemnation was in consequence decreed on the 11th of January, 1841.

3. The Brazilian brigantine "*Nova Inveja*," Francisco Antonio de Oliveira master, was seized on the 20th of January, 1841, whilst in the act of entering the harbour of Cabinda, by Her Majesty's sloop "*Persian*," acting commander Symonds, on the ground of her being concerned in the Slave Trade.

The detained brigantine arrived in this harbour on the 14th of February, and proceedings were at once instituted against her in the British and Brazilian Mixed Commission on the above-stated charge.

From the papers of the vessel and the evidence in the case, it appeared that the detained brigantine was owned by Antonio Fernandez Coelho, of Rio de Janeiro, who dispatched her thence on a voyage to the island of St. Thomas in the first instance, and thence to other ports of Africa.

That the island of St. Thomas was the port to which the vessel was *bonâ fide* consigned, appeared by all her official papers, particularly the sealed letter from the Portuguese Vice-Consul at Rio de Janeiro, forwarding the manifest of this vessel to the Custom-house at St. Thomas, and also by the owner's instructions to the master and supercargo. Notwithstanding this the vessel proceeded direct to the well-known slaving port of Cabinda, a deviation which it was attempted to explain, was justified by the ship's papers.

The Court, however, held that no such authority was contained in the papers, and that the deviation alluded to afforded strong grounds of suspicion respecting the real nature of the voyage; the more so when it was remembered that the cargo of the detained vessel was thoroughly adapted to the Slave-Trade.

The owner's instructions respecting the disposal of the outward cargo, and the return lading of the vessel, proved contradictory as well as ambiguous. In his letters to the master and supercargo he desires the goods to be landed where the supercargo pleases, either at St. Thomas or elsewhere. To the master he writes, that he is at once to proceed to the Cape de Verdes for a cargo of salt; whilst the supercargo was to dispose of the cargo for such things as could be procured at Urzella, and for wax and ivory, which, of course, must have been intended as the detained vessel's returned lading. There was a joint consignee with the supercargo, named José Dias, of St. Thomas, who was also warned to secure the wax and ivory at Urzella, and that if any delay was likely to occur therein then he was to send the vessel for the salt. All these letters were written on the same day; and had it

therefore been the owner's object to have issued only plain orders for a lawful trading voyage, such confusion could not have occurred; and its presence must in consequence be viewed as evidence of there having been something to conceal. The fact of the ostensible supercargo on board being entered on the muster-roll as an "apprentice," and of his complete ignorance of the nature and extent of the cargo under his control, were also unfavourable to the lawful character of this vessel's adventure.

The equipment of this vessel appeared illegal in having 168 gallons more water than was necessary for the use of the crew, as well as more maize, farinha, and biscuits; and in having one hatchway unlawfully fitted, and the others so arranged as to lead to unfavourable conclusions respecting them.

All these circumstances, when collectively viewed, the Court considered afforded sufficient evidence of this vessel being concerned in the Slave Trade; and a sentence of condemnation was accordingly pronounced upon her on the 3rd of March, 1841.

4. The Brazilian schooner "*Bom Fim*," Jozé Pinto de Aranja master, a vessel owned by the well-known Jozé Bernardino de Sá, of Rio de Janeiro, was despatched thence in November, 1840, on a voyage to St. Thomas and 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. These slave provisions were consigned to the master, a fact which indicates at once the mode in which they were to have been disposed of, and of what the return cargo was to have consisted. There were several consignees for the bale-goods and spirits, but the bills of lading did not appoint any place of delivery; neither was there a letter on board for any one of those gentlemen.

On the 20th of January, 1841, acting Commander Symonds, of Her Majesty's sloop "*Persian*," detained this vessel off Cabinda, on the plea of her being concerned in the Slave Trade; and she arrived here for adjudication on the 2nd of March.

In order to account for the vessel going so much out of her proper route, the master had framed a protest on the 22nd of November, 1840, against the effects of a gale of wind, which was said to have damaged the vessel, as well as her cargo; and in his evidence the master explained that he did not proceed direct to St. Thomas, as he should have done according to his official papers, in consequence of bad weather, which drove him on to the coast. The cook, however, explained that the master had told him that he came on to the coast to make sure of a fair wind for St. Thomas. These contradictory accounts as to the cause of the vessel having been found off Cabinda, added to the contradiction given to the master's protest, both by his own log-book and that of his mate, stamped the voyage with a most questionable character.

The survey made in the case exhibited this vessel as illegally equipped in three respects; in having unnecessary divisions on deck, an excess of mess-kids, and more water-casks than requisite for the use of the crew; for the presence of which articles on board no sufficient explanation had been afforded.

Under these circumstances the Court considered the charge against this vessel to have been proved.

There were other and strong reasons, the Court observed, for the decision which it had pronounced, and which were to be found in the fact of the owner of the vessel being notoriously engaged in 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; in the manifest having been interpolated in respect to the vessel's destination, and in several other false and fraudulent proceedings.

A sentence of confiscation of the "*Bom Fim*" and her cargo was pronounced on the 13th of March, 1841.

5. The Brazilian schooner "*Juliana*," owned by Joaquim Ródriguez Pinto, of Bahia, and commanded by Daniel Flintes Coelho, sailed from that port in December, 1840, on an ostensible voyage to the Island of Fayal, one of the Azores, but really with the destination of Whydah, off which port, on the 12th of February, 1841, Her Majesty's brigantine "*Buzzard*," Lieutenant-Commander Levinge, detained this vessel for adjudication by the British and Brazilian Mixed Commission at Sierra Leone, on a charge of being concerned in the Slave Trade.

The detained vessel arrived in this colony on the 26th of March, and on the same day her prosecution was opened. The evidence given by the master, in explanation of his being off Whydah, when bound by his papers to proceed to the western islands, was the invariable excuse (in such cases) of the currents, calms, and contrary winds having set the vessel towards this coast; and his reason for being found in the act of steering into the port of Whydah was a want of provisions. These explanations, the Court declared, were unsatisfactory; the first being improbable, and the second being untrue, there having been found abundance of suitable provisions for the crew at the time of the vessel's seizure.

Respecting the equipment, it was in evidence that the main-hatchway was grated; more divisions on deck than requisite; a second deck, partly laid; casks equal to holding 4640 gallons of water; 2 night tubs; 2 boilers, equal to 50 gallons; and a very large quantity in bulk of farinha, calavances, and maize: the water-casks, boilers, and provisions, each being far more than necessary for the use of the crew of the vessel.

The master's explanation of having on board this illegal equipment, that it was requisite for the emigrants for whom he was proceeding to the western islands, was rejected; the master having totally failed in satisfying the Court as to the true cause of his proceeding to Whydah instead of to the said western islands; and it was accordingly held that the equipment was for the use of a cargo of slaves.

The condemnation of the "*Juliana*" was in consequence pronounced at the sitting of the Court on the 6th of April, 1841.

6. The Brazilian brig "*Orozimbo*," Mathias Jozé de Carvalho master, was seized by Her Majesty's sloop "*Fantome*," Commander Butterfield, on the 8th of January, 1841 (Her Majesty's brigs "*Waterwitch*" and "*Brisk*" being in company), in latitude 8° 40' south, longitude 13° east, in an ostensible voyage from St. Paul de Loando to Montevideo, on the ground of her being equipped for and concerned in the Slave Trade.

The declaration of Commander Butterfield set forth, in addition to the cause of seizure, that the detained vessel had used every means to escape capture, and had ultimately borne up for St. Paul de Loando, under a protest of one of the passengers being ill, a subterfuge ill suited to deceive so experienced an officer as Commander Butterfield.

On the 30th of March this vessel was libelled in the British and Brazilian Court of Mixed Commission in this colony, and evidence was immediately received under it.

The testimony of the master showed that the voyage in which the "*Orozimbo*" had been detained was originally from Rio de Janeiro, in September 1840, to Angola and Benguela, which had been carried out so far as the making of a voyage to St. Paul de Loando, which port she left in December 1840, with the ostensible destination of Montevideo, but actually bound to Cabinda, or its neighbourhood, as might be inferred from the description of the cargo, nearly the whole of which was salt provisions and equipment, and the fact of the second mate having taken out an official passport from Loando for Cabinda when he embarked himself in the detained vessel.

The equipment of this vessel was clearly indicative of the intention to embark a cargo of slaves. It consisted of six sleeping berths on deck, besides the ordinary divisions below; a large quantity of mats, suitable as substitutes for the prohibited second or slave-deck; casks equal to holding 2082 gallons of water, a quantity far more than was needed by the crew and passengers; fifty-seven grass-baskets, substitutes for the prohibited mess-kids, and well adapted for the intended purpose; 2 boilers, capable of containing 20 gallons; and 44 bags of farinha, and 8 of calavances; besides a large quantity of these articles in bulk, forming a quantity of provisions far more than necessary for the crew. The only portion of the master's explanations as to this illegal equipment, upon which remark appeared called for when the Court declined admitting the sufficiency of them, was the improbable statement that farinha and beans had been shipped at Loando for sale at Montevideo, those articles being two of the common productions of that place, and to which therefore they could not possibly have been conveyed for profitable sale. The remainder of the cargo, consisting of slave-mats, jerked-beef, and firewood, with a few other very trifling articles, was equally unadapted for the market of Montevideo.

Under all these circumstances the sentence of the Court, which was pronounced on the 6th of April, 1841, was that the "*Orozimbo*" and her lading were good and lawful prize.

7. The Brazilian brigantine "*Firme*," Silveiro de Brito master, owned by José Maria Henriquez Ferreira, of Bahia, sailed from that port on the 24th of April, 1841, with the ostensible destination of Valparaiso, but really bound to Whydah for a cargo of slaves, for the conveyance of whom she was amply equipped.

On the 30th of May the "*Firme*" was fallen in with off Whydah, by Lieutenant Littlehales, commanding Her Majesty's brigantine "*Dolphin*," who immediately dispatched two of his boats under the direction of Mr. Murray, to examine, and, if necessary, detain the "*Firme*." When the "*Dolphin's*" boats arrived within musket-shot of the "*Firme*," they hoisted British colours in each boat, and soon afterwards a heavy fire of musketry was opened upon them from the "*Firme*," whereby two of the "*Dolphin's*" people were killed, and four wounded, including the commanding-officer of the party, whose injuries were of a dangerous nature. The "*Firme*" was however captured after a quarter of an hour's resistance, and ultimately despatched to Sierra Leone for adjudication, at which port she arrived on the 28th June.

Proceedings in prosecution of this vessel were commenced on the 1st July in the British and Brazilian Court, which terminated on the following 8th, in a sentence of condemnation, founded on the clearest evidence of actual equipment for, and avowed intention to engage in the Slave Trade.

8. The Brazilian brigantine "*Nova Fortuna*," commanded by Francisco José da Rocha, belonged to Bahia, where her owner José Joaquim d'Almeida resided, and whence he dispatched her in the month of March of the present year, ostensibly on a trading voyage to the Coast of Africa, for the purchase of gold, ivory, palm-oil and salt, and under the directions of Manoel Joaquim da Costa, who appeared in the character of supercargo of the vessel.

In the alleged prosecution of this voyage the "*Nova Fortuna*" came to the Western Coast of Africa, first touching at Elmina, and thence trading at several ports along the coast until she reached British Accra, where she was seized on the 6th of June, 1841, by Her Majesty's brigantine "*Dolphin*," Lieutenant Littlehales, commanding, on the ground of her being concerned in the Slave Trade.

The detained vessel was sent to this colony, where she arrived on the 28th of June, and on the following day her prosecution on the abovementioned charge was commenced before the British and Brazilian Mixed Commission Court.

The evidence offered by the seizer, in support of his statements that the "*Nova Fortuna*" was concerned in the Slave Trade, mainly rested on her equipment for that traffic, respecting which it was proved, on the oaths of competent surveyors, who examined this vessel and her fittings, that she had four moveable sleeping berths on deck, in addition to the usual cabin accommodation of a merchant vessel, thereby causing more divisions on deck than were necessary for a lawful trader; the main-hatchway was unnecessarily large for a merchant vessel, being 9 feet long and 4 feet 3 inches wide: there were 100 large coarse African mats on board, such as have latterly been frequently substituted for the wooden slave-deck, in order to avoid the responsibility of carrying the latter prohibited article; there were 7 water-casks, in addition to 2 other casks adapted for carrying water, but temporarily filled with cowries, thus affording the means of carrying 1149 gallons, a quantity far more than requisite for the crew of the vessel; and a cabouse, adapted to receive and to cook with a slave boiler.

The master of the "*Nova Fortuna*" appeared as claimant in the case on behalf of his owners, and endeavoured by his own and the mate's evidence to remove the impression, which the above-described *prima facie* case of engagement in the Slave Trade was calculated to make on the mind of the Court. In this, however, he wholly failed, his attempted explanations having proved either incredible or false.

The rejection of the explanations of the claimant, as to the illegal equipment, was further justified by the character of some of the papers seized in this vessel; establishing as they did, clearly though indirectly, that the master himself was concerned in the Slave Trade, and that he was bound to Whydah, and not Aquita, as alleged.

The evidence produced on behalf of the claimant was rendered of a still more dubious nature by the master having endeavoured to falsify his own bills of lading; by his denial of the fact of there having been a supercargo on board the vessel; by the contradiction given, by both the witnesses, to the vessel's log-book, as far as their proceedings on this coast had been recorded in it; and by their statements on this subject being, on several points, directly opposed to each other; as well as by the mate suppressing the fact that he was one of the consignees of the vessel named in her papers.

Nothing but an unfavourable construction could be put upon the terms of the owner's instructions for

the "*Nova Fortuna's*" voyage, when the laboured and ostentatious effort at their commencement to describe a lawful trading voyage, was compared with the ambiguous directions which followed, and in particular with the terms of the concluding paragraph of those instructions, which orders the master, after having completed all his arrangements, "to obtain *provisions* for his return, being careful to get *sufficient for the purpose.*" a warning that, had there been none other but the crew of the vessel to feed, would not have been called for.

It appeared, from the owner's instructions, that salt was to have formed the bulk of the return-cargo of the vessel; and the master ultimately explained, that the vessel was to be nearly filled with this article. At the first examination of both the master and mate, they, however, omitted to mention anything respecting the salt, notwithstanding it was to have formed nine-tenths of the vessel's lading, and it was therefore inferred that the word salt was meant to apply to something else.

Both the bills of lading appeared to have been interpolated; and neither of them agreed perfectly with the manifest.

There were some papers found on board the "*Nova Fortuna,*" respecting a slave-vessel called "*Picon,*" which lately carried off a cargo of negroes from Whydah, and some letters from persons at Bahia, addressed to residents at Whydah, on Slave Trade matters, but no explanation was offered as to these documents being in the vessel.

The ostensible owner and the supercargo of the "*Nova Fortuna*" have long been connected in partnership with this traffic. The mate had also been for years in the Slave Trade, having belonged to three vessels condemned here.

Under all these circumstances the British and Brazilian Court considered the seizor's case to have been satisfactorily made out, and the "*Nova Fortuna*" was accordingly condemned on the 20th of July, 1841.

9. The Brazilian schooner "*Flor da America,*" Manoel José Pereira master, was seized on the 29th of June last in the river Congo, on the ground of being concerned in the Slave Trade, by Her Majesty's sloop "*Persian,*" Commander Eden, and sent to Sierra Leone for adjudication on that charge.

According to the passport and other official papers, it appeared that Manoel Nunez Pereira was the owner of this vessel, and Antonio Rozendo da Silva the master; that she was bound from Rio de Janeiro to Angola, with a full cargo of merchandise, shipped at Rio by José Antonio de Sampaio Guimaraes (or Guimaraens), and consigned jointly to Manoel José Pereira and Antonio Rozendo da Silva, the former of whom appears in the papers as first mate, though he styled himself the master, and the latter as the commander of the vessel.

The report of survey made in this case showed the equipment of the vessel to consist of an unusually large main-hatchway, and such as could not be required in a lawfully-employed merchant-vessel; a cabouse, so constructed as to adapt it for cooking with a full-sized slave-boiler; the hold of the schooner filled up between, and to the top of the water-casks, with sand, so as to form a level surface, offering a serviceable substitute for the ordinary slave-deck; a quantity of firewood, far more than necessary for the use of the crew, and such as is usually found on board of slave vessels; water-casks, of the content of 1040 gallons, being 460 gallons more than she should have carried for the crew; and two moveable sleeping-berths on deck not required, in addition to the cabin accommodation below.

The only explanation of this objectionable equipment which the master thought fit to offer was, that the number of water-casks in the vessel was necessary for the use of his crew and the prisoners (sailors from captured slave-vessels) whom he proposed carrying over from Cabinda to Rio de Janeiro. No reliance could, however, be placed by the Court even on this unsatisfactory representation, the master having shown himself unworthy of belief by deliberately attempting to falsify the official papers of the vessel. The incorrectness of this explanation was also made directly apparent by the contents of two letters written by Pereira subsequent to the schooner's capture by Her Majesty's sloop "*Persian,*" and which explained to his friends at Cabinda the circumstances attending the schooner's detention, and conveyed Pereira's request to both his correspondents to communicate the same "*to the captain,*" evidently meaning Antonio Rozendo da Silva who is named as master in the papers, and who was doubtless collecting at Cabinda the slaves intended for the vessel's return cargo.

From one of the papers seized in the "*Flor da America,*" it appeared that Guimaraes, the owner of this schooner's cargo, and Pereira, the mate of the vessel, had been profitably connected in slaving adventures for some time previous to this voyage.

The prosecution of this vessel commenced on the 24th of July (the day after her arrival here) and ended on the 31st of that month, in a sentence of condemnation.

10. The brigantine "*Dona Eliza*" was captured on the 30th of June, 1841, by Lieutenant Matson, commanding Her Majesty's brig "*Water Witch.*" At the time of her seizure she was lying at anchor in the roadstead of Benguela, and under the command of the mate, Joaquim José de Azevedo. Her Brazilian flag was the only evidence of her nationality found by the searching-officer; all her papers having been taken on shore (as the mate alleged) by the master, Antonio da Silva Monteiro.

Lieutenant Matson, finding the "*Dona Eliza*" equipped for the Slave Trade, took possession of her; landed all her crew excepting the mate and the boatswain; and endeavoured, but unsuccessfully, to procure the attendance of the master, who, it was reported from the authorities on shore, had absconded, and could not be found. Unfortunately, the boatswain proved to be in so bad a state of health, that the prize-officer judged it necessary to leave him behind at Benguela, and in consequence the "*Dona Eliza*" proceeded to her port of adjudication with one witness only. She arrived here on the 25th of July, and proceedings commenced against her on the 27th in the British and Brazilian Court of Mixed Commission. The fact of her being equipped for the Slave Trade was fully proved by the report of survey, and her nationality was considered to be sufficiently established (in the absence of all contradictory evidence) by the testimony of the mate, who, though he could give no account of the previous proceedings of the vessel, which he swore he had only joined at Benguela about six weeks before capture, and declared his utter ignorance of her ownership, and of her papers, which he said he had never seen, yet admitted that she was captured and sailed under Brazilian colours; that he knew the master to be a resident of Rio de Janeiro; that he believed the vessel to be Brazilian built; that he was himself a Brazilian subject; and that the crew were partly Brazilians and partly Portuguese.

The Court accordingly met on the 3rd of August, and pronounced sentence of condemnation.

(Signed)

M. L. MELVILLE.

No. 78.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, January 8, 1842.**(Received March 19).*

MY LORD,

HEREWITH we have the honour of laying before your Lordship copies of a correspondence which has recently taken place between the Brazilian Commissioners and ourselves, having its origin in objections made by the Brazilian Commissary Judge, Mr. Niteroi, to the forms of practice in use in the British and Brazilian Court of Mixed Commission since the date of its establishment, and which forms were originally derived from the British and Portuguese Mixed Commission.

The grounds of Mr. Niteroi's objections, it will be seen, are founded altogether on his reading of the second and third articles of the regulations for the Mixed Commissions attached to the Treaty with Portugal of the 28th of July, 1817, and which regulations he holds render it imperative upon the Commissary Judges not to "*receive the depositions*" (according to the wording of the Regulations) which have been taken "*on oath*" by the registrar, but to *take in person* the *examinations* of all witnesses coming before the British and Brazilian Commission, having the Registrar at the same time in attendance to record the replies of the witnesses; Mr. Niteroi being of opinion that the Registrar's duties are strictly limited to the *mere registration* of the judicial acts of the Commissioners, beyond which he thinks the Registrar cannot lawfully be employed either in examining witnesses or in any other duty whatever.

These views were first put forward by the Brazilian Judge apparently by way only of inquiry, at a private interview with Mr. Lewis on the 10th ultimo, on which occasion Mr. Lewis endeavoured, by every means in his power, to remove Mr. Niteroi's doubts and objections, but unfortunately without success; the interview having ended with Mr. Niteroi's refusal to back the petition with the papers of the Brazilian prize barque "*Ermelinda*" for admission into Court, Mr. Niteroi having, in fact, *erased* his signature which he had in the first instance attached to that document, and Mr. Lewis therefore felt it right to consider the matter as having assumed an official character, and accordingly requested the Brazilian Commissary Judge to reduce his objections to writing, which that gentleman promised to do, and to furnish them to Mr. Lewis on the following day.

Three days, however, having elapsed without any communication having been received from the Brazilian Judge, and a second Brazilian prize having arrived in the interim, Mr. Lewis thought it his duty to address Mr. Niteroi on the 13th ultimo, offering all the further information he had been able to obtain, and suggesting, in the event of Mr. Niteroi remaining still unsatisfied on the points in question, the expediency of his reserving his objections for the decision of the two Governments; in the meantime allowing such cases as came before the Commissioners to proceed according to the old established forms.

To this application Mr. Niteroi replied on the following day, acknowledging Mr. Lewis's communication, and stating that he (Mr. Niteroi) had been confined to bed by "strong country fever since the evening of Friday, the 10th instant," the day of the before-mentioned interview at Mr. Lewis's.

For this announcement of Mr. Niteroi's severe illness, Mr. Lewis was not prepared, having been given to understand by the Registrar, who had twice seen Mr. Niteroi on business during the interval in question, that the Brazilian Judge, though complaining of indisposition, did not appear to be so unwell as to be disqualified from attending to business. Her Majesty's Commissioners, however, thought it would be proper to wait some days, in the hope that the Brazilian Commissary Judge might consider himself sufficiently recovered to resume his duties; but having, up to the 20th ultimo (a further period of six days), received no communication from that gentleman, Her Majesty's Commissioners addressed a joint letter to the Brazilian Commissioner (No. 3), calling upon Mr. do Amaral (in the event of Mr. Niteroi continuing incapacitated by illness) to proceed with the two cases presented for adjudication. An immediate answer (No. 4) to this request acquainted us that Mr. Amaral could not

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accede to our wishes, as Mr. Niteroi had recovered, and was then engaged upon his reply to Mr. Lewis's letter of the 13th.

Mr. Niteroi, in this communication (No. 5, received the same evening), repeated his objections to the practice of the British and Brazilian Commission; declared that Mr. Lewis's impression of what had transpired at the interview between Mr. Lewis and himself was in some respects erroneous; and requested another meeting with Mr. Lewis, the object or advantage of which he did not clearly explain.

Respecting Mr. Niteroi's assertion of the incorrectness in some points of Mr. Lewis's letter (No. 1), it will be proper to state *here* that the moment Mr. Niteroi had quitted Mr. Lewis on the 10th instant, Mr. Lewis drew up a memorandum of what had passed at the interview, on which memorandum his letter to Mr. Niteroi was based.

It will be observed also that Mr. Niteroi alludes to the case of the "*Cintra*," as one which bore him out in his objections to the depositions being taken by the Registrar. With respect to that case, however, which occurred so early as 1819, and was the *second* tried in the British and Portuguese Court, we have only to inform your Lordship that Mr. Niteroi's imperfect knowledge of English has led him into a very great mistake, the records showing distinctly that the examinations were taken by the Registrar "*by order of the Judges*;" and the only irregularity is, that it is also stated the examinations were taken "*before*" the Judges, which may be easily accounted for, when it is remembered that the practice of the Courts had not, at that date, been established under any fixed regulations.

On the 21st ultimo Mr. Lewis replied to Mr. Niteroi's letter (No. 6), that Mr. Niteroi and himself having taken opposite views as to the practice of the Court, the meeting wished for by Mr. Niteroi appeared unlikely to be attended with any particular advantage, but suggesting instead that a general meeting of the British and Brazilian Commissioners should take place at the Court-hall on the 23rd ultimo, for the purpose of considering the question at issue.

Of this communication no notice whatever was taken by the Brazilian Commissioners, but Mr. Lewis considering that, in the absence of any intimation to the contrary, a meeting had been appointed for the 23rd ultimo, proceeded on that date to the Court-hall, where he found the Brazilian Commissioners had already arrived, and the meeting was accordingly held. Mr. Melville, having been prevented from attending the meeting by his own indisposition, and severe illness in his family, furnished Mr. Lewis with a written statement that his views accorded with those of his colleague in reference to the point at issue.

We now beg leave to hand to your Lordship a copy of the minute of the proceedings on that occasion (No. 7). From this document your Lordship will perceive that the Brazilian Arbitrator joined in the objections of his colleague; and as Mr. Melville entertained similar views with Mr. Lewis, matters were left in their previous condition.

Ultimately, however, the Brazilian Commissioners, on the ground of expediency, consented to the continuance of the existing practice, during such time as might be necessary for submitting the questions raised by them for the decision of the Brazilian and British Governments.

The cases of the "*Ermelinda*" and "*Galianna*" were in consequence admitted into Court on the 24th ultimo, after having lain in the harbour respectively 16 and 15 days.

It will also be seen that, at the said meeting, Mr. Niteroi insisted on his right to be present during examinations of witnesses by the Registrar; and as Mr. Lewis could not show him any positive prohibition of such a course on the part of either the Governments of Portugal or Brazil, he declared his determination of adopting it, in opposition to all that could be said to dissuade him from pursuing such a course. Mr. Lewis, however, urged that the Registrar should not be in any way interfered with or interrupted during such examinations, to which Mr. Niteroi offered no objection, but yet expressed no distinct assent. Of Mr. Niteroi's expressed determination, Mr. Melville received no intimation until after it had been carried into effect; and in consequence of the minute of the meeting having been retained in the possession of the Brazilian Commissioners for some days, Mr. Melville was not afforded any opportunity, until the 3rd instant, of recording his protest (annexed to the minute) against Mr. Niteroi's proceedings.

The changes wished for by the Brazilian Commissioners, your Lordship will observe, have been demanded, not on account of any alleged defect in the existing system, nor on account of any advantage which might be likely to arise to any party; no attempt has been made to show that the proposed alteration is desirable on any single ground of expediency. The sole reason advanced by those gentlemen is, their peculiar construction of the words of the Treaty, "to receive the depositions," which they understand, not simply as a direction to receive those depositions as evidence, but to convey an instruction to the Judges to personally examine every witness brought forward.

The intention of the parties who framed the Treaties and the "Regulations" for the guidance of the Mixed Courts being, as is understood, and indeed stated, in the latter document, to assimilate the practice of these Courts as nearly as possible to that of the High Court of Admiralty, the mode of taking examinations in use in that Court was adopted in the Mixed Commissions by our predecessors, who appear to have had no hesitation as to the construction of the words of the Treaty referred to.

This matter is, however, not left at all in doubt, by the printed "Regulations" (above mentioned) for the guidance of the Commissions appointed for carrying into effect the Treaties for the abolition of the Slave Trade," which "Regulations" were sent to our predecessors by Lord Castlereagh on the 20th of February, 1819; the Registrar is there especially *named* as the party who is to take the examinations; and it is as distinctly directed by the same authority, that no person but the interpreter should be present when the witness is under examination by the Registrar.

In transmitting those Regulations Lord Castlereagh directed Her Majesty's Commissioners to propose them for adoption by their foreign colleagues, which was accordingly done; and the "Regulations" were ultimately accepted as the guide of *all* the Commissions established here in respect to the *forms* of their proceedings, and have so continued in the most satisfactory operation for a period of more than twenty years. Our inability, however, to exhibit to the Brazilian Judge some written authority, showing that the Portuguese Government had *formally* sanctioned their adoption by the Portuguese Judge in March, 1822, induces Mr. Niteroi to look upon them as orders only to us, and he gives no weight to the *tacit sanction* of the Portuguese and Brazilian Governments, which has authorized the practice up to this time; and which, in our opinion, ought to have been considered sufficient to prevent any attempt on the part of the Brazilian Judge to disturb a mode of proceeding to which, as we have already stated, he has been unable to offer a single well-grounded objection.

Against the existing forms of practice of these Commissions we have never heard of any complaint, not even from the detained slave traders themselves; and such a fact, my Lord, may be taken as good proof of the value of the present system. Should, however, any such alteration as that proposed by the Brazilian Commissioners ever take place, we must confidently look forward to manifold inconveniences, and great and unnecessary delays in our attempts to bring cases to final adjudication. The expenses of process must also be unavoidably increased.

The interpreter to the Courts, a man of humble origin and very limited education, but under the existing system sufficiently qualified for his office, is capable, when quietly seated with only the witness and Registrar, of doing what is required from him; of giving a rough, certainly, but yet a faithful, interpretation of the questions and replies passing between the Registrar and the examined; we cannot, however, but apprehend, were the judges also present, by whom cross-questions might be put, that this man would not feel equal confidence, and afford that clear and unbiassed interpretation which it is his duty to give. Neither can we anticipate that the interpreter's plain sailor-like interpretations, though right well adapted to the foreign witnesses, would prove so acceptable to the more refined ear of the foreign Judge. Another difficulty also would be found in the imperfect knowledge of English of most foreign Commissioners, and, indeed, of the interpreter himself, to whom it is often necessary to make the question more intelligible by putting it in broken English. A perfect linguist would therefore be indispensable as interpreter, who can only be supplied from Europe, and must necessarily be a highly salaried officer; and it must also be taken into consideration that in a climate

like this, where health, and life indeed, cannot be calculated upon in the usual scale of human probabilities, that a single interpreter would not be sufficient. The duration of all proceedings in which an interpreter is required, would necessarily entirely depend upon the health of that officer; and in the event of any casualty cases might be indefinitely postponed until some fit person might be obtained from England, as no person sufficiently qualified under those circumstances could be met with here.

For evidence of the additional time that would be required in carrying on business in the manner proposed, we need only refer to the records of these Commissions prior to there being a fixed practice; and if the seizor's and claimant's proctors were to be present at such examinations to watch the proceedings (as would most probably become necessary), still further delays must of course be anticipated.

The disadvantage arising from the presence of two judges and the registrar being rendered necessary at every examination of witnesses, would, we fear, be particularly felt in the rainy season, when it may reasonably be expected that the inclemency of the weather, as well as the state of health of one or other of those three functionaries, would probably render delays and adjournments unavoidable.

The expense of maintaining witnesses and slaves, the proctor's fees for additional labour, the deterioration of property, the increased demurrage in the event of restoration, all consequent upon prolonged detention, are some of the sources of additional expense which would likely arise from the change proposed, and of which captors would with great justice speedily complain.

In conclusion, we would beg leave also to mention, that in no one of the several Mixed Commissions has there been a more prompt adjudication of cases than in the Courts at Sierra Leone, a circumstance which offers very strong evidence in favour of the established practice of these Commissions, and warrants us in asking your Lordship to support our opposition to change.

We have, &c.

(Signed)

W. FERGUSSON.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

First Enclosure in No. 78.

Mr. Lewis to Mr. Niteroi.

SIR,

Sierra Leone, December 13, 1841.

I BEG leave to make reference to the conversation which passed between us on Friday last, the 10th instant, when I had the honour of a visit from you, and also to the verbal promise you then made, that on the following day you would furnish me in writing with the objections to the practice of the British and Brazilian Mixed Commission Court which you had urged in the conversation above referred to.

Not having up to this time (Monday at noon) received the promised written communication from you, and there being two Brazilian prizes in the harbour, one of which has awaited admission to the British and Brazilian Court for four, and the other three days, owing to your refusal to receive them on the terms on which all previous Brazilian cases have been admitted to adjudication, I now feel myself called upon to address you upon this subject, being unwilling to bear any portion of a responsibility which must attach to such unprecedented delays in the proceedings of this British and Brazilian Mixed Commission.

In the first place, to avoid misapprehension, I think it right to record here my impression of the result of the conversation above referred to, and which was this, that you objected to the Registrar of these Mixed Commissions continuing to take the examinations of witnesses on two grounds,—

1st. That according to your reading of the third article of the regulations for the Mixed Commissions attached to the Treaty of the 28th of July, 1817, between Great Britain and Portugal, it is imperative upon the Commissioners themselves to take such examinations; and

2ndly. That in your opinion, according to the fourth section of the second article of these regulations, the duty of the secretary or registrar consisted solely in registering the judicial acts of the Commissioners, and that therefore he was in no way authorised to perform any other duty than the mere registration of those acts.

To both of these constructions of the Treaty, I then, as now, most distinctly objected, in the first instance, and for the sake of argument only, on the ground that the terms of the third article of the regulations, which are, that the Commissary Judges shall, after examining the ship's papers, "receive the depositions on oath of the captain, and two or three at least of the principal individuals on board the detained vessel," could not be understood to convey the meaning which you insisted upon. Had it been, I observed, the intention of the high contracting parties to the said Treaty, that the Commissioners, and they only, were to take the *vivâ voce* testimony of the witnesses, and not, as has been

throughout the practice, to receive their written depositions, the Treaty would have described that duty in very different terms, by plainly directing the Commissioners themselves to examine the parties; and that I could not therefore admit that the order to receive depositions was open to the construction, that it is imperative on the Commissioners to take those depositions themselves; but the approved practice for the last twenty years of all the other Mixed Courts established here was undeniable evidence of the correctness of my views on this subject; more especially when it is taken into consideration, that the same practice has been adopted and acted upon, without alteration or deviation, by all your predecessors ever since the establishment of this British and Brazilian Mixed Court. To this you remarked, that under the circumstances you considered to take and to receive depositions were synonymous terms; and that it was not necessary for you to continue an incorrect practice because it had been adopted by your predecessors; but if I could point out to you the sanction of the Portuguese Government to the adoption of the regulations and interrogatories in question, you would then be satisfied on the subject. I then pointed out to you in the printed correspondence the approval by the Netherlands Government (vide Class A, 1821, pp. 103 and 104 of those regulations). I could not at that time point out to you any direct approval on the part of either Spain or Portugal, but promised to furnish you with further information whenever you had reduced, according to promise, your objections to a more tangible shape than a verbal communication.

With reference to the limited duties which you hold the Treaty directs for the secretary of the Commissions, I explained that the Treaty, in my opinion, only pointed out the registering of the judicial acts of the Commissioners as a particular and important duty which should be executed by the registrar, and by no other person. Had the Treaty contemplated the secretary's duties being thus limited, it would have distinctly and plainly so ordered it, which is evidently not the case.

Notwithstanding I am without your promised statement in writing as to your objections to the practice of the Mixed British and Brazilian Commission, I lose no time in affording you such further information on the subject as I have been enabled to collect since our interview.

The Spanish Government, it appears, formally approved of the printed regulations and interrogatories under date 27th February, 1821 (vide Printed Correspondence, Class B, p. 168); and I have no doubt whatever that there was a similar approval by the Portuguese Government, though I have not unfortunately been able, as yet, to put my hand upon it. I find, however, from the records of the British and Portuguese Commission, that His Most Faithful Majesty's judge, M. Altavilla, did on the part of his Government adopt the regulations in question, and was a party to the making of an order of the British and Portuguese Court, bearing date the 5th of March, 1822, directing the registrar from that date to take the examinations of witnesses; and which was accordingly done, as you have no doubt discovered, in the case of the "*Dez de Fevereiro*," into which you have lately been looking.

These explanations I should hope will be sufficient to satisfy the doubts you have expressed. Should it, however, unfortunately prove otherwise, I must distinctly protest against this peculiar construction of certain provisions of the Treaty relating exclusively to the mode of conducting the business of the Court, being placed in opposition to the hitherto established and approved practice, and thereby obstructing, in fact offering, *in limine*, an insuperable bar to its proceedings. I beg to assure you at the same time, that I shall be always most ready to listen to any doubts or objections you may have respecting the manner of conducting the business of the British and Brazilian Court, and to afford you every information and explanation in my power.

As you refused on the 10th instant to allow the case of the Brazilian barque "*Ermelinda*" to come into Court under the existing regulations, I have refrained from sending to you the case of the Brazilian schooner "*Galianna*," which I received on the 11th instant, and desire to admit into Court, as your objections equally apply to one case as to the other.

In conclusion, Sir, allow me, should your opinion still remain unaltered, to press upon your immediate attention the expediency of reserving your objections to the established practice of the British and Brazilian Mixed Commission for the consideration of our respective Governments, and in the meanwhile consenting to such cases as may arrive for adjudication by this Commission being conducted as heretofore. By this course the very serious responsibility of delaying the adjudication of prizes will be avoided.

I have, &c.

(Signed) WALTER W. LEWIS, *British Commissary Judge.*

P.S. Whilst in the act of writing the foregoing letter, I received a note from M. Amaral, acquainting me that you are indisposed and unable to attend to business, a circumstance which I very much regret, and hope that you will be speedily restored to your usual health.

(Signed) WALTER W. LEWIS.

H. F. Niteroi, Esq.,
&c. &c. &c.

Second Enclosure in No. 78.

Mr. Niteroi to Mr. Lewis.

Sir,

Free Town, December 14, 1841.

By the urgency of circumstances, I am compelled to write from my bed, where I have been since Friday night, tormented by a strong country fever, and a most severe irritation of intestines.

I cannot now, Sir, but to confine myself to the acknowledgment of the receipt of your official letter of yesterday.

I lament the bad state of your health and mine too, which I consider an impediment to a second interview, I think should be very useful.

I beg to assure you, Sir, that I am ready to listen to any observation from you. Believe me, Sir, there is nothing I wish more, than to see all the obstacles removed, and the immediate trial of the two Brazilian vessels.

I have, &c.

(Signed) H. F. NITEROI,
Brazilian Commissioner Judge,

Walter W. Lewis, Esq.,
&c. &c. &c.

Third Enclosure in No. 78.

*Her Majesty's Commissioners to the Brazilian Commissioners.**British Commissioners' Office, Sierra Leone,
December 20, 1841.*

GENTLEMEN,

ON the 14th instant, Mr. Lewis had the honour of receiving from His Brazilian Majesty's Commissary Judge an acknowledgment of the official letter which he had on the previous day addressed to him, and to which correspondence we beg leave to request your attention.

From Mr. Niteroi's letter we learned, with regret, that he had unfortunately been suffering from severe country fever for several days past, and which incapacitated him from doing more than merely acknowledging Mr. Lewis's letter. Several days having now elapsed without any further communication from Mr. Niteroi, we are under the apprehension that his illness continues, and still unfits him for duty. Should such be the case, we beg to press upon your attention the immediate necessity of His Brazilian Majesty's Commissioner of Arbitration joining with us, agreeably to the second article of the additional articles to the Treaty between Great Britain and Portugal, dated the 15th of March, 1823, in proceeding to the admission into Court, and ultimate adjudication, of the two Brazilian prizes which have now been laying respectively twelve and eleven days at anchor in this harbour, unproceeded against, in consequence of the objections raised (previously to his illness) by Mr. Niteroi to the practice of the British and Brazilian Mixed Commission.

It is hardly necessary for us to state to you that by the third paragraph of the first article of the regulations for the Mixed Commissions, the Commissioners are directed to "give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside."

Requesting an early notice of this communication, we have the honour to be,
Gentlemen, &c.

(Signed) WALTER W. LEWIS,
British Commissary Judge.

(Signed) M. L. MELVILLE,
H. B. M.'s Commissioner of Arbitration.

H. F. Niteroi, Esq.,
&c. &c. &c.

J. T. do Amaral, Esq.,
&c. &c. &c.

Fourth Enclosure in No. 78.

*The Brazilian Commissioners to Her Majesty's Commissioners.**Freetown, December 20, 1841.*

THE Brazilian Commissioners having received a letter from Her Britannic Majesty's Commissioners, bearing date to-day, requesting that, in consequence of the illness of Mr. Niteroi, the Commissioner of Arbitration of His Majesty the Emperor of Brazil, to join them, agreeably to the second Article of the additional articles to the Treaty between Great Britain and Portugal, dated the 15th of March, 1823, in proceeding to the admission into Court, and ultimate adjudication of the two Brazilian prizes—they beg leave to say that the Commissary Judge, Mr. Niteroi, being recovered from his illness, is now writing to Her Britannic Majesty's Commissioner Judge an official letter respecting the subject.

The Brazilian Commissioner of Arbitration, Mr. Amaral, therefore cannot comply with the request of Her Britannic Majesty's Commissioners.

The Brazilian Commissioners beg the British Commissioners to accept the assurance of their high consideration and particular esteem.

Walter W. Lewis, Esq.
&c. &c.

M. L. Melville, Esq.
&c. &c.

(Signed) H. F. NITEROI,
Brazilian Commissioner Judge.

(Signed) J. T. DO AMARAL,
Brazilian Commissioner of Arbitration.

Fifth Enclosure in No. 78.

Mr. Niteroi to Mr. Lewis.

SIR,

Freetown, December 20, 1841.

SINCE our last interview on Friday the 10th I have been so very indisposed that I could only write you a short letter, dated the 14th, acknowledging the receipt of your official letter, bearing date the 13th. Now, Sir, being almost recovered, in reply to your above letter I beg leave to submit the following for your consideration.

You accused me of failing in my promise of sending you on the following day my objections in writing. I have to say, that immediately I left you I went to the Registry Office to examine some cases tried by the Portuguese and Brazilian Commissioners, as I had agreed with you. I was detained there more than half an hour waiting for the registrar, and, beginning at that time to feel myself rather indisposed, I addressed myself to one of the clerks, requesting him to inform Mr. Bidwell, immediately on his arrival, that I had called on him, and I gave him a memorandum of the papers I wanted. The following morning, feeling myself no better, and being confined to my room, I received the papers which I had desired to see; shortly after the reception of which I also received a visit from Mr. Bidwell, who inquired if I were in need of any further information. I replied that I could not

attend to any business. I also requested Mr. Bidwell to inform you of my sickness, which he promised to do.

On Monday morning another visit from Mr. Bidwell, and he found me tormented with a strong country fever and an irritation of intestines. I also again requested him to inform you that I was still ill. You therefore perceive that your accusation is wholly unfounded.

Permit me, Sir, to point out some incorrections I have found in the narrative which you made of our last conversation. I did not refuse to accept the case of the Brazilian barque "*Ermelinda*," entered in the Sierra Leone harbour on the 9th, captured by Her Majesty's brig "*Water Witch*" off Loando. I only mentioned to you my doubts and objections upon the depositions of the captain and the other prisoners being taken by the Registrar of the Commission, instead of being received by the two Judges, as it is my opinion, on reference to the third Article of Regulations for the British and Portuguese Mixed Commissions.

In the course of our conversation we had some misunderstanding respecting the words *to take* and *to receive*, which in my mind I never considered synonymous. Perhaps on account of my want of explanation and bad pronounciation you have misunderstood me.

You must recollect, Sir, that I, being afraid of such a result occurring, promised to send on the following day my objections in writing, to avoid mistakes of that kind, which I could not possibly do on account of my illness, as I have complained, you must be aware, that in the course of our conference I often referred to you respecting your understanding me.

My meaning was, and continues to be, that the two Judges must be present and preside on receiving the depositions on oath of the individuals of the captured vessel, and not by the Registrar, whose duties are only to register all the acts of the Commission, as it is ordered by the second Article of the Regulations.

To which of these objections you remark to me, that you do not consider the third Article of the Regulations strictly imperative on the Judges presiding at the depositions, and the duties of the Registrar more expansive than those marked therein; and you corroborated your opinion by a standing practice of twenty years past of the proceedings of all commissions established in Sierra Leone.

In answer to your replies, I said that I was not obliged to admit the practice of the Spanish and Netherlands Mixed Commissions, but only the practice of the British and Portuguese Commission, which should be in accordance to the Treaty, Convention, and additional Articles concerted between those powers, and adopted by the Treaty between Brazil and Great Britain.

In your reply to me, you said that the present practice of our Commission was sanctioned by the Portuguese Government; and not being able to find that act, you will please forward me a copy of the same, which I have not yet had the honour of receiving.

In your letter you say that, from the Records of the British and Portuguese Commission, that His Most Faithful Majesty's Judge, "Mr. Altavilla, did, on the part of his Government, adopt the regulation in question, and was a party to the making of an order of the British and Portuguese Court, bearing date the 5th of March, 1822, directing the Registrar from that date to take the examinations of witnesses."

I discovered on Saturday that Mr. Altavilla did agree to the making of the order you mentioned; but I do not find that he was authorised to do so by his Government.

In the same Records I have discovered, for instance, in the case of the Portuguese schooner "*Cintra*," that the depositions on oath were taken before the British Commissioners, which proves that the practice has not been the same as you stated, and that my objections were not unfounded.

Allow me, Sir, to remind you of a part of our conference which you omitted to mention in your letter, and which I consider a very important one.

At the conclusion of our arguments the conference ended by your proposing to submit my objections to a discussion of a full Court of the British and Brazilian Commissioners.

Respecting the delay in admission to Court of the Brazilian prizes, I have only to say that, since Friday the 10th till Saturday the 18th, I have been in a most pitiable state of sickness, as is known in all Freetown; and about to the responsibility you seem to unjustly throw it upon me, if perchance there should be any, permit me, Sir, to remain silent on that subject, because I am only answerable to the Government of His Majesty the Emperor of Brazil.

In conclusion, Sir, I beg you to let me know your ultimate decision. I am ready, to avoid delay, to have a second interview with you, upon which I entertain the greatest hopes that the matter will be settled satisfactorily. If you concur with this offer, you will have the goodness to appoint the time and place where I shall have the honour of meeting you.

I am obliged to you for your kind wishes for my recovery, and I entertain the same feelings respecting your health.

Please to continue to acknowledge me.

Walter W. Lewis, Esq.
&c. &c.

Sir, &c.
(Signed) H. F. NITEROI,
Brazilian Commissioner Judge.

Sixth Enclosure in No. 78.

Mr. Lewis to Mr. Niteroi.

SIR,

Sierra Leone, December 21, 1841.

LAST evening I was honoured with the receipt of your reply to my letter of the 13th instant, and before alluding to the official matters treated of therein, I would desire to relieve you, if possible, of the impression you appear to have received, that when I addressed you on the 13th I was aware of your being ill of the country fever. It was only late in the afternoon of that day that I was made acquainted, through Mr. Bidwell, of your indisposition from that cause, and at that time my letter was already in your hands. This explanation I should hope will be sufficient to satisfy your mind and feelings that I did not put forward, as you allege, an "accusation wholly unfounded," or, indeed, anything in the form of accusation at all, but simply stated the fact of two days having passed beyond the time

when your promised written objections should have reached me, merely as one of the grounds of my anxiety to obtain, in clear and distinct terms, your objections to the forms of practice of the British and Brazilian Court, so as, if possible, to get the two Brazilian cases now here admitted into Court without further delay.

In stating in my before-mentioned letter to you that you had refused to allow the case of the "*Erme-linda*" to come into the British and Brazilian Court, I certainly thought that I was clearly correct, when I so considered your having, in the first instance, backed the petition of the captor's proctor to that effect, and afterwards erased your signature from that document. This, together with the declaration in your letter of yesterday, that at our interview you had not held and stated as your opinion, that *to take and to receive* depositions were synonymous terms, shows the great importance of written communications over verbal ones.

From your letter it now appears that you directly object to the Registrar of the Commissions continuing to take the depositions of witnesses, and insist upon the Judges themselves performing that duty, such being your reading of the terms of the treaty under which we act. That we are not to *receive the depositions* after they have been taken, but to *take* them ourselves.

To this I have distinctly stated, in my letter of the 13th instant, my inability to agree, assigning therein grounds which I had hoped would have appeared to you sufficient to justify my adherence to forms which have the sanction of twenty years' practice. To repeat those reasons here I consider would be unnecessary.

I am unable to furnish you, as you desire, with a copy of any distinct written authority from the Government of Portugal for the forms of practice to which you object; but such positive approval on the part of Portugal is plainly and fairly to be inferred from the fact of the practice of the British and Portuguese Court having been variable in each particular case presented to it prior to March, 1822, when Mr. Altavilla, the Portuguese Commissary Judge, consented to the Court being made an open Court, assented to the propriety of the Commissioners not being present whilst the examinations of witnesses are taking, and joined in the making of an order for the Registrar to examine witnesses; all which arrangements have continued in full force and effect up to this date.

I have striven hitherto with an earnest and anxious desire to afford you every possible information on the subject of your doubts and objections; but you must now allow me, Sir, to adopt the more strict and regular mode of proceeding in such matters, and to call upon you to support your own position by showing that either the Portuguese or Brazilian Government have objected to the forms of practice of which you have complained, or at once to continue to act upon them as all your predecessors have done. For instance, you admit that Mr. Altavilla did agree "to the making of the order I mentioned," in the British and Portuguese Court, dated the 5th of March, 1822, directing the Registrar, from that date, to take the examinations of witnesses; but you add, "you do not find that he (Mr. Altavilla) was authorised to do so by his Government." Now, Sir, I may fairly demand whether you have any authority to show that he was not authorised in that proceeding, or that his act was subsequently disapproved of, —twenty years' subsequent practice proves the assent of the Portuguese and Brazilian Governments, tacit, perhaps, but which would be not the less binding in any court of law or justice.

Were your mode of proceedings to be adopted in this Commission, it would be open for you to demand, at every stage of the prosecution of a case, the exhibition of authorities from your own Government or that of Portugal, which it would be as impracticable for the British Commissions to furnish, as unreasonable in you to expect from them. Such obstacles, if persisted in, must naturally result in a total stop being put,—such now temporarily exists,—to the further proceedings of the British and Brazilian Mixed Court.

I regret to find you have asserted that the minutes in the case of the "*Cintra*" prove that the practice of the British and Portuguese Court is not as I have represented it to have been. My letter of the 13th plainly conveys, that the present practice of that Court took date from March, 1822, and nothing more. The "*Cintra*" was adjudicated in June, 1820, nearly two years previous to that date; how, therefore, it can support your charge of misrepresentation on my part I am at a loss to comprehend; and equally also am I at a loss to discover what support your doubts and objections can receive from practices set aside by the unanimous voice of the British and Portuguese Commissioners twenty years ago.

You have asked, in conclusion, Sir, that I should give you an ultimate decision. Such a decision I endeavoured verbally to convey to you at our interview, as well as subsequently in my letter of the 13th, which states that I cannot consent to any alteration in the old-established forms of the Commissions without first referring such proposed change for the consideration of my Government.

The interview therefore between us, which you have suggested, could hardly, in my opinion, be attended with much advantage. I am, however, ready of course to meet you whenever you may wish it; but I would rather propose a general meeting of all the Commissioners on Thursday next, the 23rd instant, at eleven o'clock, at the Court-hall, provided that day and hour should be agreeable to Mr. Amaral and yourself.

Respecting your remark on my allusion to the responsibility of the delays which have taken place in the cases of the two Brazilian prizes now in harbour, I am quite aware, of course, that you have only to explain your proceedings to your own Government, as I have my acts to the British Government; and I desired on this point merely to express to you that I considered myself absolved from that responsibility, as I have been ready and anxious in both cases, from the moment of their arrival, to proceed therein without any delay, and have accordingly backed the process in each case, though your signature having been withheld, my proceedings have of course been of no avail.

H. F. Niteroi, Esq.
&c. &c. &c.

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

Seventh Enclosure in No. 78.

Minute of the Meeting of the British and Brazilian Commissioners.

Court Hall of the Mixed Commissions, Sierra Leone, December 23, 1841.

At a General Meeting of the British and Foreign Commissioners, present W. W. Lewis, Esq.,

Her Britannic Majesty's Commissary Judge, H. F. Niteroi, Esq., His Imperial Majesty's Commissary Judge, and J. T. do Amaral, Esq., His Imperial Majesty's Commissioner of Arbitration—

Read a note from M. L. Melville, Esq., Her Britannic Majesty's Commissioner of Arbitration, stating his inability to attend the meeting in consequence of severe domestic affliction, but avowing at the same time his entire approval of the opinions held by Mr. Lewis in regard to the objections raised by Mr. Niteroi against the established practice of the British and Brazilian Court of Mixed Commission, as those views are recorded in the correspondence which has passed on that subject.

Mr. Lewis having inquired of Mr. Niteroi whether Mr. Amaral had had reference to the correspondence lately passed between them relating to the practice of the Mixed Commission, and having been informed that such had been the case, he then asked Mr. Niteroi whether he still held the same opinion as he had conveyed in his letters. Mr. Niteroi declared that no alteration had taken place in his opinion that the Commissary Judges should themselves interrogate the witnesses whilst the Registrar attended to record such proceedings, and further, that he considered that the duties of the Registrar should be strictly limited to the simple registration of the acts of the Commissioners.

In these views Mr. Amaral concurred.

Mr. Lewis thereupon remarked, that for the reasons set forth in the correspondence between Mr. Niteroi and himself, he could not agree in the interpretation given to the wording of the Treaty by his Brazilian colleagues; nor could he assent to the adoption of any change in the existing practice of the British and Brazilian Court of Mixed Commissions, without first having obtained the sanction of the British Government to such alteration. Mr. Lewis added, that his absent colleague, Mr. Melville, entertained similar views as himself respecting the matter in question, and that Mr. Melville would be consequently prepared, in confirmation of this statement, to attach his signature, together with those of the other Commissioners, to the note of this day's proceedings.

Under these circumstances the Brazilian Commissioners consented to conform for the present to the existing practice of the British and Brazilian Court, in order not to interrupt the business in the said Commission; but, *sub conditione*, until the respective decisions of the British and Brazilian Governments could be learned upon the subject.

With reference to the question of the presence of the Commissioners when the Registrar takes the examination of the witnesses, Mr. Niteroi observed, that having found no prohibition against such a proceeding either in the Treaties or in the Records of the Commissions, he intended to be present at the taking of the depositions. Mr. Lewis replied, that although he was not aware of any direct and positive prohibition against a Commissioner being present at the examinations, still from the fact of the British Government having expressed it as their opinion, as shown in Lord Castlereagh's Despatch of the 30th of October, 1821, that it was more proper that they should not be present on such an occasion, he could not concur or join with Mr. Niteroi on this point. And further, Mr. Lewis pressed upon Mr. Niteroi's notice, that the printed Regulations and the established practice were opposed to it. Mr. Lewis likewise referred to the fact of the adoption of those Regulations by Mr. Altavilla, as appeared by the Records of the Portuguese Court of the 5th of March, 1822. Mr. Niteroi admitted the fact of Mr. Altavilla assenting to the order in question, but denied that he did so with the consent of his own Government, as he had already mentioned in his correspondence to Mr. Lewis. Mr. Lewis also observed that he did not think it would be proper either for a Commissioner to attend examinations, or to interfere in any way with the Registrar whilst executing this duty.

(Signed) WALTER W. LEWIS,
Her Britannic Majesty's Commissary Judge.

(Signed) H. F. NITEROI,
His Imperial Majesty's Commissary Judge.

(Signed) J. T. DO AMARAL,
His Imperial Majesty's Commissioner of Arbitration.

Sierra Leone, January 3, 1842.

THE preceding minute having been retained in the possession of the Brazilian Commissioners until this day, the British Commissioner of Arbitration has had no earlier opportunity afforded him of recording his opinion of the proceedings of the meeting held on the 23rd ultimo.

The British Commissioner of Arbitration now expresses his concurrence in the views stated by the British Commissary Judge on that occasion.

He, however, altogether dissents from the principle involved in the assumption by the Brazilian Commissary Judge, of a right to alter on his *sole* authority the established practice of the British and Brazilian Court of Mixed Commissions.

The British Commissioner of Arbitration therefore feels it his duty to *protest* in the strongest manner against the interference on the part of the Brazilian Commissary Judge in the duties of the Registrar, without the *distinct* accordance of the British Commissary Judge.

And the British Commissioner of Arbitration desires further to record his opinion, that the Registrar is not warranted in deviating from the established regulations of the Mixed Commissions, except under the *positive* authority of *both* the Judges of the Mixed Court; and that the acquiescence of the Commissioners in a contrary course may lead to consequences fraught with inconvenience to themselves, and with disadvantages to all parties concerned in proceedings brought before the Mixed Commissions.

(Signed) M. L. MELVILLE,
Her Britannic Majesty's Commissioner of Arbitration.

True Copy,

C. B. BIDWELL, Registrar.

No. 79.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, January 13, 1842.**(Received March 19.)*

MY LORD,

WE have the honour to enclose herewith our report of the case of the schooner "*Galianna*," José Pedro da Silva Senna master, condemned in the British and Brazilian Court of Mixed Commission, for being equipped for and engaged in the Slave Trade.

The "*Galianna*," sailing under Brazilian colours, was fallen in with in the Bight of Benin, on the 23rd of November last, by Her Majesty's brig "*Cygnets*," Lieutenant Edmund Wilson commander, and after a short chase was captured, and sent to Sierra Leone for adjudication.

The prize arrived here on the evening of the 10th of December, and was reported the next day by the Marshal; but, from objections raised by the Brazilian Commissary Judge, as to the established practice of the Court in respect to the mode of examining the witnesses, proceedings on the part of the captor were not permitted to be commenced till the 24th; on that day the monition was issued, and was returned on the 31st; subsequently, however, further delays took place, in consequence of the course adopted by the Brazilian Judge, and the case did not come on for trial till the 10th instant, when Mr. Niteroi, the Brazilian Judge, declared his opinion that no Brazilian vessel was liable to condemnation where there was not proof of slaves having been on board at the time, or previously to capture; and as no such proof was attempted in the case of the "*Galianna*," recourse was necessarily had to arbitration: the lot having fallen upon the British arbitrator, the "*Galianna*" was condemned at a Court held the following day.

We have the honour to transmit copies of the opinions of the British and Brazilian Judges, and of the final decision of the arbitrator.

There would be nothing particular in this case, which was a clear one of equipment, were it not for the opposition made by the Brazilian Judge, at the very outset, to the forms of the proceedings in the Mixed Court; the obstacles which he continued to throw in the way of the case, by creating unnecessary delays, and, finally, by the opinion he at length expressed, so opposed to the numerous precedents which have occurred in this Court during the last three years.

It is now clear, my Lord, that these precedents go for nothing with the Brazilian Judge; and so long as he may remain here, the decision of every case, where there is no evidence of slaves having been on board, will be submitted to chance.

When it is considered that though seizures of Brazilian vessels equipped for the Slave Trade have been exceedingly numerous of late years, the capture of any with proof of slaves having been on board has been of rare occurrence; when it is considered that nearly one-half of the vessels condemned here last year were Brazilian cases of equipment, as were also a very large proportion of those condemned the year preceding, the result of this determination on the part of Mr. Niteroi must be a source of much regret.

On board the Brazilian vessel were the notorious de Souza, alias Char Char, and his son-in-law, Joaquim Telles de Menezes, who, though in the assumed capacity of passengers, were doubtless principals in the adventure itself; and, from the circumstance of the establishment of Char Char's brother (Antonio Telles de Souza) at Rio, as mentioned in the evidence, we suspect that Char Char's chief exportations will in future be directed towards that quarter: at least the intelligence he and other slave-dealers must soon receive of the partial impunity likely to be secured to the Brazilian flag in future, must in all probability greatly increase its employment by those concerned in the illicit traffic.

Since her condemnation it has been currently reported here, and it is generally believed, that the "*Galianna*" is no other than the American vessel called the "*Hugh Boyle*," which cleared out from this port for the Gallinas, with a general cargo, on the 12th of April, 1839, under the command of Joseph R.

Brown, with a crew of ten men, and having on board four Spaniards as passengers; and on that occasion, it is said, she took the noted Pedro Blanco from Gallinas to the United States.

We have, &c.
(Signed) W. FERGUSSON.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 79.

Report of the Case of the Brazilian schooner "Galianna," José Pedro da Silva Senna master.

Sierra Leone, January 13, 1842.

THE papers found on board the "*Galianna*" were as follows:—

No. 1. Imperial Passport, No. 200, for the Brazilian schooner "*Galianna*," dated at Bahia, the 27th of September, 1841, and registered at folio 99 of the Register of Passports at that place, on the following day. A certificate on this document from the Consulate at Bahia, and referred to in the body of the passport, numbered 386, gives a particular description of the "*Galianna*," showing that she is commanded and owned by José Pedro da Silva Senna, a resident of Bahia; and states that she is of the burthen of 114 tons.

No. 2. A bill of health, No. 327, for the said schooner, bound to the Island of Prince's, and commanded as above, with a crew of 19 persons including the master, dated at Bahia, 28th of September, 1841.

No. 3. Muster-roll of said schooner, commanded as above, bound for the Islands of St. Thomas and Prince's, with a crew of 19 persons including the said master. This paper professes to be issued from the Consulate, is dated at Bahia, the 1st of September, 1841, and numbered 71.

No. 4. A permit from the Consulate of Bahia for the said schooner to sail on a voyage to the Island of Prince's. It refers to the imperial passport, mentioning the number, and is also dated 28th of September, 1841.

No. 5. A receipt for port dues, describing the vessel to be commanded, owned, and of the burthen mentioned as above, and bound for the Island of Prince's; same date as No. 4.

No. 6. Fort-pass for the said schooner, commanded as above mentioned, and bound to Prince's Island; dated at the Palace of the Governor of Bahia, the 28th of September, 1841.

No. 7. Certificate or permit for the Custom-house, from the Consulate at Bahia, for the said vessel; and same date as preceding.

No. 8. Pass from the Administracao-geral do Correio, for same vessel, dated as above.

No. 9. Two log-books, showing the voyage to Africa, but without the name of the vessel or master; commence 30th of September, and end 1st of November.

No. 10. A private letter, dated the 19th of February, 1841, from Benedicto Borge to Senhor Pedro de Ruis, of no importance.

No. 11. A bill of lading, dated at Bahia, the 20th of September, 1841, of 400 Mexican dollars and six parcels of coral, on board the brig "*Marabeu*," Antonio da Silva master, consigned by José Felix de Souza to Pedro Felix de Souza, at the port of Adjudah.

The "*Galianna*" was fallen in with on the 23rd of November, 1841, by Her Majesty's brig "*Cygnat*," Lieutenant Edmund Wilson commander, in latitude 5° 2' 30" north, and longitude 2° 58' 15" east; and on a search having been made, and a quantity of slaving equipment discovered on board, she was detained and dispatched to Sierra Leone for adjudication.

On her way to this port she fell in with Her Majesty's sloop "*Iris*," having on board 17 slaves, the survivors of 18, taken out of a small Portuguese vessel captured by Her Majesty's ship. These slaves were put on board the "*Galianna*" by Captain Tucker, for a passage to Sierra Leone.

The "*Galianna*" arrived here on the evening of the 10th of December, and the proctor for the captors presented her papers, and attempted to institute proceedings against her in the British and Brazilian Court of Mixed Commission the following day. Exceptions were, however, taken by the Brazilian Commissary Judge to the established practice of the Court, as regarded the mode of examining witnesses; and, in consequence, he declined consenting to the admission of the "*Galianna*" into Court. Nothing further was done in the prosecution until the 24th, when Mr. Niteroi having agreed to waive his objections for the present, the papers of the "*Galianna*" were received. The usual monition, and a commission of survey and inspection, were issued the same day.

The declaration of the captor is as follows:—

"I, Lieutenant Edmund Wilson, commander of Her Majesty's brig '*Cygnat*,' hereby declare that on this 23rd day of November, 1841, being in latitude 5° 2' 30", and longitude 2° 58' 15", I detained the schooner named the '*Galianna*,' sailing under Brazilian colours, commanded by José Pedro da Silva Senna, who declared her to be bound from Bahia to Whydah, with a crew consisting of one master, one pilot, and 17 seamen.

"And I further declare that she has actually a slave-deck laid down, and a greater quantity of farinha and water in leaguers than is requisite for the use of the crew of the vessel as a merchant vessel."

To this declaration was attached, as is usual, a "list of stores," as it is called, signed by the prize-officer and the master of the "*Galianna*." We subjoin a copy of it, for reasons which will appear hereafter.

List of Stores attached to the foregoing declaration, viz.:—

Masts, rigging, and one suit of sails for a schooner complete, one spare fore-stay sail and one jib, one spare topmast, one spare jibboom, two spare flying jibbooms, one boat and three oars, twelve sweeps, one windlass, one cabouse, one sleeping bunk, one anchor, and two chain-cables, one awning and stanchions for spreading it, one log-reel and line, one deep-sea lead and line, one wash-deck tub, buckets and swabs for washing decks, two harness-casks, two deck water-butts, four hen-coops, two

pumps, two ensigns, one gold chronometer watch, one chronometer, two quadrants, slave deck laid fore and aft, twenty-nine leaguers and casks for water of various sizes, eight casks of aguadiente, half a cask of pitch, one cask of Stockholm tar, one cask of salt-fish, one cask of vinegar, a quantity of jerked-beef, twenty-five bags of farinha, and a great quantity loose in the lockers, five boxes of cigars, two portable pumps, two lanterns, two compasses, one tiller, a set of crockeryware in the cabin, and cooking utensils, one spy-glass, one bag of beans.

(Signed)

C. PARSONS, Prize-officer.

JOSE PEDRO DA SILVA SENNA, Master.

On the 28th the witnesses were brought up, and examined by the Registrar.

The master, José Pedro da Silva Senna, deposed to the standing and special interrogatories, that "he was born at Bahia, and has always lived there; is a Brazilian subject, and has never served any other state: his wife and family reside at Bahia. Witness appointed himself to the command, being owner of the vessel; received possession of her at Bahia in August last from the former proprietor, Antonio Telles de Souza, a Brazilian subject, and residing and carrying on business as a merchant at the above-mentioned place. First saw the vessel at the time of purchasing her at Bahia; does not know where she was built. He was present at the time of seizure, but cannot tell why it took place. The vessel sailed under Brazilian colours, and had besides an American flag for use as a signal. The name of the vessel is '*Galianna*,' and he has never heard her called by any other name; she is 114 tons burden. The crew consisted, to the best of his recollection, of 23 officers and mariners exclusive of the witness, some Brazilians and others, Portuguese residents of Brazil, shipped and hired by witness at Bahia in September last. Witness was sole owner of the vessel; there was no cargo on board, the said vessel having left Bahia in ballast. None of the other officers or mariners had any interest or share in the vessel; was master on board. There were three passengers, José Telles de Souza, of Whydah (otherwise called Char-Char); his son-in-law, Joaquim Telles de Menezes, of Pernambuco; and Silvie Tupiniquim, of Bahia. The said passengers are Brazilian subjects, and embarked at Bahia in September last for a passage to the Island of Prince's and St. Thomas's; witness is ignorant of their profession and occupation, and cannot tell for what purpose they came to the coast of Africa. The present voyage began at Bahia in September last, and was to have ended at the same place, after the vessel had been to Prince's and St. Thomas's for a cargo of palm-oil. Bahia was the last clearing port. The said vessel touched at no port or place from the time of sailing thence to the time of capture. The capturing vessel, Her Majesty's brig '*Cygnets*,' was first seen in latitude 6° 18' north, and longitude 2° 30' east, and capture took place on the 1st of November, after a chase of 20 hours, and after every effort to escape by altering the course. Previous to this her course was at all times directed to Prince's and St. Thomas's. There are no arms or ammunition on board. No resistance was made to capture. As the owner of the vessel, witness never intended to resist or avoid capture, or to destroy or conceal any of the vessel's papers. Witness, as aforesaid, is the sole owner of the vessel, having purchased her at Bahia from Antonio Telles de Souza. There is a bill of sale at Bahia, made between witness and Antonio Telles de Souza (a Brazilian residing at Bahia) in August last, and in the presence of two witnesses, the aforesaid passenger, Joaquim Telles de Menezes and André Pinto da Silveira, a merchant of Bahia. The price paid for the vessel was 8000 milreys, which witness considers a fair equivalent. Witness will swear that the said sale was in every respect true, and that if restored she will belong to him. There are no private agreements for the return of the vessel to her former owners. There was no cargo shipped on board at Bahia, the vessel having left that port in ballast. He does not know the lading of the vessel on the last voyage; on the present occasion there was no cargo shipped. The detained vessel was taken to Whydah after capture. Witness cannot say for what purpose. The imperial passport, as well as other ship's papers, are all true and fair. Knows of nothing to affect their credit. No papers which were on board the vessel at the time she took her departure from Bahia have been destroyed, concealed, or made away with. There are no papers relating to the vessel in any other country, to the best of witness's knowledge and belief. There was no charterparty signed for the present voyage. No insurance has been effected upon the vessel. No slave has been embarked on board the detained vessel for the purpose of the illegal traffic during the present voyage. The hatches are not fitted with open gratings. The combings of the hatchways are not bored for the reception of iron bars. There are no iron bars on board. There are two bulkheads, those of the cabin and fore-castle. There is one sleeping berth on deck. There are no spare planks. There is a deck laid fore and aft; underneath the said deck witness purposed to stow the palm-oil, which was to be taken on board at Prince's Island. From thence the vessel was to obtain emigrants for Bahia at the Azores, and for those emigrants the above-mentioned deck was specially provided. (Witness explained, that he did not think it requisite to mention the Azores as a port to be visited, in his reply to the 8th interrogatory.) There are no shackles, bolts, or handcuffs. There are about 60 pipes or water-casks on board, half of them full, some with fresh and others with salt water; there are no tanks or staves. Cannot tell how much water the said casks are capable of containing. The vessel was supplied with these casks for the purpose of carrying water for the emigrants. There are six wooden mess-tubs for the use of the crew; there is no large iron or copper boiler, there are small ones used in cooking for the cabin and fore-castle. There are 25 bags of farinha and some jerked-beef for the consumption of the crew."

The evidence of the other witness, José Pereira, a seaman of this vessel, corroborated that of the master, so far as it went.

On the same day that the witnesses were examined, the surveyors presented their report.

The substance of it was, that they had found,—

A slave-deck laid fore and aft.

Thirty-four casks and leaguers, capable of containing 7830 gallons of water—a quantity far more than sufficient for the crew of the vessel.

Two night-tubs (an article found only on board slave vessels).

Sixty bushels of farinha, one of beans, and eight hundred weight of jerked-beef; quantities of food more than sufficient for the consumption of the crew.

A cabouse, so constructed (with a large oven at the bottom and a frame-work of iron at the top) as to be adapted for using a slave-boiler.

A large quantity of firewood, such as is generally found in slave vessels.

In addition, they stated that the bulwarks of the vessel were sawn through in several places (probably with a view to increasing her speed during the chase), and that she was fitted with 12 sweeps, which is not usual in vessels engaged in lawful trade.

Publication was prayed for and granted on the 29th; and the same day a petition was presented for a day of trial by the proctor for the captor.

No claim was filed by the master and professed owner.

The motion was returned on the 31st. On the 1st instant the British Commissary Judge communicated with the Brazilian Judge on the subject of the petition for a day of trial, and in consequence of Mr. Lewis being confined to the house, an interview took place at his private residence (on the 3rd) by appointment of the Brazilian Judge. On that occasion Mr. Niteroi expressed himself quite satisfied from the evidence, that the "*Galianna*" was engaged in the Slave-Trade, and subject to condemnation, and requested Mr. Lewis to draw up a joint judgment to that effect; this was done by Mr. Lewis, who sent a document to that effect to Mr. Niteroi on the following day (4th), and having understood that Mr. Niteroi would be prepared to go to trial on Thursday the 6th, appointed that day accordingly for the adjudication of the "*Galianna*."

On the same day (the 4th) an affidavit of the prize-officer was put in, explaining why the term *slave-deck* had been made use of in the "list of stores, &c.," filed with the declaration. This affidavit had been insisted upon by the Brazilian Commissary Judge, although he had been shown that the matter was of no moment whatever, the "list of stores" being never received as evidence in the case.

On Wednesday the 5th, Mr. Lewis found himself so unwell as to afford little or no prospect of being able to sit at the Court on the 6th, and it was arranged that the Lieutenant-Governor should officiate on the occasion; the Brazilian Judge, however, on receiving this information refused to sit on the 6th, and declined naming any other day for the trial.

On the 7th Mr. Niteroi communicated with the Lieutenant-Governor on the subject, and the following day (the 8th) the petition, which had been presented on the 29th of December, was first indorsed by his Imperial Majesty's Commissary Judge on Monday the 10th instant, at 12 o'clock; on the morning of that day, however, the Brazilian Judge communicated to the acting British Judge, that he had made up his mind *not* to condemn the "*Galianna*."

A Court was, notwithstanding, necessarily held on the 10th instant, at the hour appointed, when the proceedings having been gone through, and the evidence read, it was stated from the Bench that a difference of opinion having arisen between the Judges as to the liability of the vessel to condemnation, it became necessary to resort to arbitration, and the Court was accordingly adjourned to the following day at the same hour.

Immediately on the rising of the Court lots were cast, and falling on the British Commissioner of Arbitration, Mr. Melville stated that he would be prepared to decide the case at the sitting of the Court appointed for the following day.

On the 11th the Court met according to adjournment, and the acting British Commissary Judge pronounced his opinion that the vessel had been proved to be equipped for and engaged in the Slave-Trade, and was therefore liable to confiscation.

The Brazilian Judge, *contra*, that there were no slaves captured, nor proof of any having been on board previously to seizure, one of which points he stated must be established to justify the condemnation of a Brazilian vessel.

The British Arbitrator declared his agreement with the opinion of the Acting British Commissary Judge as to the equipment and employment of the "*Galianna*," and further, that it was not necessary that a Brazilian vessel should be proved to have actually had slaves on board previously to capture; that satisfactory evidence of equipment was quite sufficient to render her liable to confiscation under the Convention between Great Britain and Brazil; and sentence of condemnation was accordingly passed on the "*Galianna*" by Her Majesty's Arbitrator.

(Signed)

W. FERGUSSON.
M. L. MELVILLE.

Second Enclosure in No. 79.

Opinion of the Acting British Commissary Judge in the case of the Brazilian schooner "Galianna," José Pedro da Silva Senna master.

Sierra Leone, January 11, 1842.

THE Brazilian schooner "*Galianna*" is now before this Court charged with a contravention of the Treaty between Great Britain and Brazil, in having been, when lately seized off Whydah, concerned in the Slave Trade.

The evidence in support of this charge produced by the captor is chiefly to be found in the Report of Survey held on the equipment of this vessel, from which it appears that there is a slave-deck fore and aft; 34 water-casks, of the content of 7830 gallons; two night-tubs; a cabouse adapted to receive a slave-boiler; 60 bushels of farinha; 1 bushel of beans; and 8 cwt. of jerked beef. The schooner has also been reported by the surveyors as fitted for 12 sweeps, an arrangement as unnecessary as unusual in the equipment of a lawfully employed merchant vessel on the coast of Africa. Connecting the above-mentioned equipment with the fact that the master of the schooner, at the time of her detention, declared to the seizer that she was bound to Whydah (off which port she was actually found), and not to Prince's Island, as stated in the ship's papers, I think that the captor was justified in the course he has adopted of sending the "*Galianna*" here for adjudication.

I shall now proceed to the consideration of the master's explanation of the above objectionable equipment of his vessel, and his description of the nature of the voyage in which she has been detained. The master has declared that the voyage was direct from Bahia to Prince's Island for palm oil; with which article the vessel was there to be laden under the lower and moveable deck, which is laid fore and aft in the schooner, and, with this lading on board, was to proceed thence to the Azores to embark emigrants to Brazil, for whose use the said moveable lower decks had been specially provided, as well as the numerous water-casks now on board.

The utter improbability of this explanation is so apparent, that it seems almost unnecessary to offer an explanation thereupon. I will however remark that if the hold of this vessel was to have been filled with palm oil, I am yet to learn where the master proposed stowing the numerous water-casks for his emigrants, which now occupy the space in question. The water-casks could not have been carried on the upper deck, and if the lower deck had height sufficient to receive them, they would occupy all the space to be appropriated, according to the master's account, for the use of the emigrants. The master, when declaring that all the water-casks on board are to hold water for emigrants, has omitted to acquaint us where he purposed obtaining casks for his palm oil, an oversight which at once makes apparent his ignorance of the manner of conducting the trade in that article.

There are other circumstances, however, which tend further to invalidate the before-mentioned explanations of the master, and to establish how little any of his assertions are to be relied upon. In the first place he has stated that at all times after the vessel's departure from Bahia her course was directed towards Prince's Island; but on a reference to his log-book, to the correctness of which he has sworn, it is found that his course was direct from Bahia to Whydah. The "*Galianna*" crossed the line on the 23rd of October in $10\frac{1}{2}^{\circ}$ west, and on the following 31st the log-books show her to have been in $6^{\circ} 9'$ north and $2\frac{1}{2}^{\circ}$ east. With all the requisite nautical instruments on board, including chronometers, the master cannot of course expect that any one would believe such a course would have been steered had Prince's Island been the *bonâ fide* destination. His voyage to the Azores, also, was entirely overlooked in the early part of his examination, and it was not until the concluding part of it, when his questionable equipment was to be accounted for, that, having appropriated the slave-deck for the use of emigrants, it became of course necessary to say whence those emigrants were to have been obtained.

No official papers have, however, been exhibited to us respecting the emigrants, nor do the ship's papers show that the vessel cleared out at Bahia with the ultimate destination of the Azores; neither has anything been said of consignees either at Prince's Island or at the Azores, nor any correspondence found for such persons in the papers of the vessel. The improbability also of a vessel of 114 tons going for emigrants with a crew of 23 persons, and fitted with 12 sweeps, is so great that I wonder that any one could have ventured on such an assertion.

Further review, however, I consider to be unnecessary. The master's explanations as to the water-casks and the lower moveable deck have been shown to be worthless; his description of the voyage false; and his statement is unreasonable that the provisions on board are for the use of the crew, when it is known they amount to 60 days' rations of farinha, and beans for 163 persons, with an unlimited supply of jerked beef. The two tubs of a description never found but in slave vessels, and the cabouse capable of receiving and cooking with a slave boiler, afford evidence additionally unfavourable to the alleged lawful employment of this vessel.

Under these circumstances it therefore only remains for me to declare my opinion that the "*Galianna*" has been legally detained, and is subject to condemnation as being a vessel engaged in the Slave Trade.

Third Enclosure in No. 79.

The Brazilian Commissioner Judge in the case of the Brazilian Schooner "Galianna," master José Pedro da Silva Senna.

Free Town, January 11, 1842.

CONSIDERING that not having found in the papers of the vessel, depositions of witness, and other proceedings of that Commission, any proof of the said schooner being employed in the illegal traffic of slavery, from the fact that there were no slaves found on board, nor any proof of any having been landed from on board of her previous to her capture, which conditions are grounds for the condemnation of ships tried before that Commission, according to the additional Conventions and Articles to the Treaty for the Suppression of the Slave Trade, concerted between Great Britain and Portugal, and acknowledged and adopted by the Treaty between Brazil and Great Britain:

I do hereby declare the said schooner "*Galianna*" an illegal prize, and therefore her master, owners, and all persons concerned are entitled to claim and obtain all that is ordered in the said Treaties and Conventions.

Fourth Enclosure in No. 79.

Judgment given in the Case of the Brazilian Schooner "Galianna," José Pedro da Silva Senna master, by the British Arbitrator.

Sierra Leone, January 11, 1842.

IN this case the point at issue, and which it has fallen to my lot to arbitrate, is simply whether a vessel acknowledged to be Brazilian, proved by the most unequivocal testimony to be equipped for the Slave Trade, but without slaves, or evidence of any having been on board, and detained by a vessel duly authorized to make seizures, be or be not liable to confiscation.

The judgment given in the case of the "*Emprehendedor*," decided in this Court in August, 1839, and which I consider to have been founded on a sound and just view of the provisions of the Treaties and Convention between the two Powers under whose authority this Court is constituted, has in my opinion clearly established the position, that to render a Brazilian vessel subject to be condemned for being engaged in the Slave Trade, it is neither necessary that she should have slaves on board at the time of capture, nor that it should be proved that she had had slaves on board *previously* to capture; satisfactory evidence of equipment for that traffic is alone sufficient to render such a vessel liable to confiscation.

The principle on which the "*Emprehendedor*" was finally sentenced has been, in my opinion, in some shape conceded by the Imperial Government itself. In the case of the "*Maria Carlota*," for instance, a vessel captured in 1839, not only without slaves, but without any proof of slaves having ever been on board, the Brazilian Judge in the first instance refused to admit the vessel into Court, but was subsequently ordered by the Brazilian Government to proceed to the adjudication of the "*Maria Carlota*;" and although the condemnation which followed was the result of arbitration, still, as the sentence was permitted to be carried into effect, we may fairly infer that it was so only because the Imperial Government found there was no stronger ground for opposition than the mere opinion of their Commissary Judge as to the peculiar construction of the Treaties and Convention.

This principle then having been so repeatedly acted upon here since 1839, any attempt to strengthen it by offering further arguments on the subject would be unnecessary, and I think that a precedent so consistent with the spirit of the Treaties as that of the "*Emprehendedor*," and one so numerously supported by cases of vessels since condemned under similar circumstances should not be disturbed.

I have, therefore, only to express my agreement in the opinion of Her Britannic Majesty's acting Commissary Judge, and to pronounce the condemnation of the "*Galianna*" as good and lawful prize to the Crowns of Great Britain and Brazil.

No. 80.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, January 25, 1842.**(Received April 15.)*

MY LORD,

WE have the honour to transmit herewith our Report of the case of the Brazilian barque "*Ermelinda*," Joaquim Antonio de Carvalho Coutinho, master, which vessel was restored on a reference to arbitration on the 20th instant.

The "*Ermelinda*" was detained off Angola on the 27th of October last, by Her Majesty's brig "*Water Witch*," Lieutenant Henry James Matson commander, who, finding her equipped for the Slave Trade, sent her to Sierra Leone for adjudication. She arrived here on the 9th of December, but owing to objections raised by the Brazilian Commissary Judge as to the mode of examining witnesses in practice in the Mixed Court, was not admitted till the 24th; further delays were subsequently occasioned by Mr. Niteroi, and the case did not come on for trial in consequence till the 19th instant, when the Brazilian Commissary Judge, adhering to the opinion he had expressed in the case of the "*Galianna*" (reported to your Lordship in our despatch of the 13th instant), that mere equipment for the Slave Trade, however complete, would not justify his pronouncing a decree of confiscation on a Brazilian vessel, a reference was necessarily made to arbitration, and the lot having fallen on the Brazilian Commissioner, the vessel was on the following day decreed to be restored as before mentioned.

We beg leave to enclose copies of the opinions of the British Commissary Judge and of the Brazilian Commissioner of Arbitration. The Brazilian Commissary Judge merely expressed his adherence to the opinion which he gave in the case of the "*Galianna*."

The day following that on which the decree was pronounced, the prize officer presented an affidavit explanatory of his alleged ill-treatment of the steward and cook. We beg leave to enclose a copy of this document filed by permission of the Commissary Judges.

The case of the "*Ermelinda*," as regards her equipment for the Slave Trade, was very similar to that of the "*Galianna*" referred to. In her papers, however, we find the notorious name of Francisco Lisboa as her owner; this person has already been reported from these Commissions in the Despatch of the 30th of May, 1838, forwarding the Report of the "*Veloz*." He is there stated to be the treasurer of an extensive Slaving Company established in the Brazils; and it is also there remarked, that an arrangement had been made by the parties forming that company, for Lisboa's name to appear in the papers of all vessels belonging to them, as the ostensible proprietor; accordingly, he appears in that capacity in the Imperial passport of the "*Ermelinda*."

We beg leave also to forward to your Lordship copies of the translations of two letters found on board this vessel, and which afford some information on the subject of the Slave Trade.

We have, &c.

(Signed)

W. FERGUSSON.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

- &c.

&c.

First Enclosure in No. 80.

*Report of the Case of the Brazilian Barque "Ermelinda," Joaquim Antonio de Carvalho Coutinho, Master.**Sierra Leone, January 25, 1842.*

THE papers found on board this vessel were numbered from 1 to 71.

1. Imperial passport, No. 179, for the barque "*Ermelinda*," of 244 tons burthen, dated at Pernambuco the 11th of June, 1841, signed by Manoel de Souza Teixeira, and describing the owner to be *Francisco Lisboa*, a resident of that city, and the master Joaquim Antonio de Carvalho Coutinho.

2. Muster-roll of said vessel, commanded as above, bound to Loando, with a crew of seventeen persons, including the master, dated Pernambuco, — June, 1841, and is certified by the Portuguese Consul in that city, Joaquim Baptista Morêira, on the 15th of June, 1841.

3. Four papers, three of them being Custom-House certificates dated at Pernambuco, June 14, 1841, and the fourth a fort-pass for said vessel, dated 21st of the same month.

4. Also four papers dated at Bahia, the 4th and 5th of August, 1841; three of these were custom-house certificates, and the fourth a fort-pass for the "*Ermelinda*."

5. Manifest of cargo, with twenty-eight bills of lading attached; the cargo consisting chiefly of rum, tobacco, rice, sugar, and bale goods. This document is signed by the master (Coutinho), at Pernambuco, June 15, 1841, and is certified the same day by the Portuguese Consul.

6. Bill of health of the said vessel, dated at Pernambuco June 15, 1841, and also certified by the Portuguese Consul.

7. Duplicate of No. 5, but without bills of lading, also certified by the Portuguese Consul.

8 and 9. Two log-books, commencing at Bahia July 8, 1841, and ending October 27, the day of capture.

10 and 11. Two private letters relating to Slave Trade matters, translations of which accompany this report.

12 to 70. Fifty-eight shipping notes of cargo of no apparent value.

71. A letter addressed by the Portuguese Consul at Pernambuco to the Custom-house at Loando, notifying the departure of the barque "*Ermelinda*" from the former for the latter port, dated at Pernambuco June 15, 1841.

The "*Ermelinda*," Joaquim Antonio de Carvalho Coutinho master, sailing under Brazilian colours, was fallen in with off Angola on the 27th of October, 1841, by Her Majesty's brig "*Water-Witch*," Lieutenant Henry James Matson commander, who, finding her equipped for the Slave Trade, sent her to Sierra Leone for adjudication.

The detained vessel arrived here on the 9th of December, 1841, and was immediately reported by the Marshal.

The following day proceedings were commenced against her in the British and Brazilian Court of Mixed Commission, and the petition of the proctor for the captor that the affidavit of seizure and the seizor's declaration should be received and filed, that the usual monition might issue, and that the evidence in preparatory should be produced and taken, was presented to the Judges, and in the first instance backed by both Mr. Lewis and Mr. Niteroi; the latter, however, subsequently cancelled his signature, having raised objections to the established mode of taking examinations, insisting that they should be taken by the Judges, and not by the Registrar. In consequence, the process was delayed until the 24th, when the Brazilian Judge having consented to waive his objections until the matter should be decided by the two Governments, the case was proceeded with. The monition was then issued, as also a commission of survey and inspection; and on the 27th the witnesses, three in number, were brought up and examined by the Registrar.

The seizor's declaration is as follows:—"I, Henry James Matson, lieutenant and commander of Her Britannic Majesty's brig '*Water Witch*,' hereby declare, that on this 27th day of October, 1841, being in or about latitude 9° 20' south, longitude 9° 40' east, I detained the barque '*Ermelinda*,' sailing under Brazilian colours, armed with two guns, nine-pounders, commanded by Joaquim Antonio de Carvalho Coutinho, who declared her to be bound from Bahia to St. Paul de Loando, with a crew consisting of fourteen men, two boys, and fourteen passengers, whose names, as declared by them respectively, are inserted in a list on the other side hereof, and having on board—

"1st. Divisions and bulkheads in the hold and on deck in greater number than necessary for vessels engaged in lawful trade.

"2nd. A very large cooking apparatus fitted for large boilers, and having on board more boilers than requisite for the use of the crew of any merchant-vessel.

"3rd. The hold fitted fore-and-aft ready for laying a slave-deck.

"4th. A quantity of farinha stowed in bulk, not entered in any manifest.

"5th. A large quantity of fire-wood.

"The master not being able to give any account of these several articles, I consider to be evidence of the vessel being engaged in carrying on the African Slave Trade, and have seized her in virtue of the Convention between Great Britain and Brazil.

"I do further declare that I have taken out of the detained vessel 6 casks of flour and 6 bags of rice for the use of her late crew and passengers, the crew of the '*Water Witch*' being already on half allowance of all kinds of provisions."

The evidence of Joaquim Antonio de Carvalho Coutinho, the master of the "*Ermelinda*," was to the following effect:—"That "he was born at Rio de Janeiro, where he has always resided. Is a subject of Brazil, and has never served any other state. His wife and family reside at Rio de Janeiro. Witness was appointed to the command by the owner, Francisco Lisboa, a Brazilian subject and a merchant carrying on business at Pernambuco. Received possession from the said owner on the 2nd of June last at Pernambuco. Has known the vessel since May last. First saw her then at that port. She is of Brazilian construction, having been built at the Porto de Pidrás, north of Pernambuco. He was present at the seizure of the vessel, which took place on the 27th of October last off Angola, but does not know under what pretence the vessel was so captured. The said vessel sailed under Brazilian colours, and had besides an English Union Jack and a Portuguese flag on board for hoisting on gala days. The name of the said vessel is '*Ermelinda*,' by which she was called when witness first saw her in the month of May last, as aforesaid. Has heard that the vessel formerly bore the name of '*Felinto Elizio*,' which name is painted on the wheel of the rudder. The vessel is 277 tons burthen, to the best of his knowledge. There were 16 officers and mariners exclusive of witness, some Brazilians and some Portuguese, hired and shipped by the boatswain in June last at Pernambuco. Witness had no share or interest in the vessel or her lading; but some of the sailors (whose names are in the manifest, although witness cannot now recall them to recollection) owned a small part of the cargo, such as sugar and a few sweetmeats. Was master on board. There were 14 passengers; witness only remembers the names of 3 of them, Augusto César, a Portuguese, born at the island of Madeira; Antonio Vieira de Carvalho, also a Portuguese, born at Angola; and Thomaz do Aguiño, a Brazilian: of the remainder some were subjects of Portugal, and others of Brazil. Witness has heard that the said passengers, with the exception of one, a Lieutenant in the Portuguese African army, were either merchants, traders, or their clerks. They all came on board at Pernambuco in June last, and were going to Angola to make trade. The 13 passengers had shares in the cargo of the vessel, but not in the vessel itself; nor had they any authority over the vessel. The voyage began at Pernambuco on the 21st of June last, and was to have ended at Santos in the Brazils, after the outward cargo had been sold at Angola and a cargo of salt purchased and shipped at the Cape de Verdes for Brazils. The vessel put into Bahia on the 6th or 7th of July, in consequence of springing a leak, and thence cleared out last on the 6th of August, to continue the voyage to the coast of Africa. Touched at no other ports or places from the time of leaving Bahia to

that of capture. Capture took place on the 27th of October last, in latitude 9° 11' South, and 9° 40' East longitude. Her Majesty's brig 'Water Witch,' the capturing ship, was first seen at eight o'clock in the morning of the day of seizure. There was no chase, nor was the course altered or any additional sail hoisted on the appearance of the man-of-war; but the detained vessel bore away, in order to meet the 'Water Witch,' and ask for provisions. The course was at all times, when the weather would permit, directed to Angola, as destined by the ship's papers. There were two 9-pounders mounted on board, besides 6 muskets and 6 or 7 cutlasses, and about six or seven pounds of powder. The vessel was so armed for defence against pirates, or for checking any mutiny on board. No resistance was made to capture. Witness had no instructions to resist or to avoid capture, or to destroy or conceal any of the ship's papers. Francisco Lisboa, as aforesaid, owned the vessel. Knows that he is owner from having received the ship's papers and command of the vessel from that person. Also knows him as a merchant of Pernambuco, where he was born, lives, and carries on business. The said Lisboa is a Brazilian subject, and unmarried. He knows nothing of the existence of any bill of sale of the vessel, of the price, or of the name of the seller. Verily believes, if the said vessel be restored, she will belong to Francisco Lisboa. Does not know of there being any private agreement for the return of the vessel to her former owner. The 13 passengers who owned some of the cargo shipped the same at Pernambuco in June last, under consignment to themselves. As aforesaid, some of them are Portuguese and others Brazilians. They generally reside, to the best of witness's knowledge and belief, at Pernambuco; other portions of the cargo were owned by certain residents at Pernambuco (the name of one alone, Senhor Borjes, he remembers). The share of Borjes was consigned to one of the passengers, Antonio Felix Machado. Can swear that the said cargo will belong to the above-described persons if restored. Knows that the cargo was so owned from having been shipped by the respective owners of it. He does not know of what the lading consisted on the last voyage. The present cargo is composed of aguardiente, bale goods, sugar, flour, and a general assortment of French and English manufactures. The vessel was taken to St. Helena after capture for a supply of water. All the ship's papers, such as the passport, muster-roll, bill of health, original and duplicate of manifest of cargo, and custom-house clearances at Pernambuco and Bahia, are true and fair. Knows of nothing to affect their credit. Is ignorant, however, of the nature of the private papers delivered to the commander of the 'Water Witch.' None of the papers which were on board at the time the vessel last cleared out from Bahia have been destroyed, concealed, or made away with. To the best of witness's knowledge and belief there are no papers relating to the vessel or cargo in any other country. There was no charter-party signed for the present voyage. He cannot tell whether the vessel or cargo be insured. The said vessel has always been under the direction and management of witness in regard to her employment in trade. Witness corresponds with no one on the concerns of the cargo. Bulk has not been broken during any part of the voyage previous to detention. Some rice and flour (cannot tell what quantity of either, but thinks about 6 barrels of flour and about 6 bags of rice) were taken by the orders of the commander of the man-of-war, for consumption on board the capturing vessel. On the arrival of the detained vessel at St. Helena two horses were landed and sold there. No slave has been embarked during the present voyage for the purposes of illegal traffic. The hatches are not fitted with open gratings. The combings of the hatchways are not bored. There are no iron bars or bolts to secure the said hatches. There are two bulkheads, those of the cabin and fore-castle. There are 6 sleeping berths on deck. There are no spare planks. There is no slave-deck laid. There are no shackles, bolts, or handcuffs on board. There are 19 water-casks on board, all empty except 1. There were no tanks or staves. Cannot say what quantity of water the said casks would contain. Does not consider that the content of the said casks would be more than sufficient for the 30 persons on board and two horses. There are three mess-tubs on board for the use of the crew, and 1 for the horses' food. There were no large copper or iron boilers on board, but about 6 or 8 small ones for cooking for the cabin and for the crew. There are to the best of witness's belief about 40 or 50 bags of rice shipped as cargo, and included in the manifest; also New York flour forming cargo, as well as 1½ bag of farinha for the use of the crew and passengers; no maize or Indian corn."

The evidence of the other two witnesses, Manoel José Barboza, the steward, and Rufino Bernardo Almeida, the cook of the vessel—in regard to every other point of any importance on which they professed any knowledge whatever, was a mere echo of the master's testimony. These men, however, in reply to the 26th interrogatory, both stated that they had been struck by the prize-officer subsequently to their arrival in this harbour. The master, in his examination, stated that he and the other detained people had been well treated.

On the 27th a petition was presented by the captor's proctor, that so much of the cargo should be landed as would enable the surveyors to make a complete report; the prayer of the petitioner was allowed by the Court the same day.

On the 28th publication of the evidence was granted.

The report of survey was not presented until the 8th of January, in consequence of the delay occasioned by the necessity of landing a considerable portion of the cargo, which, however, enabled the surveyors to discover slave-irons and other articles of equipment, which must doubtless have otherwise remained concealed.

The substance of the surveyors' report was that they had found:—

A main hatchway 10 feet long by 4½ feet broad, being much larger than requisite in a merchant vessel, and having the combings fitted to receive open wooden gratings usual in slave-vessels.

Six bunks, or sleeping berths, on deck, not required in a lawful trader.

A cabin adapted for a female slave-room, being 22 feet long and 6 feet in height, separated from the hold by a bulkhead of undressed plank, and the only access to it being by a hatchway.

Forty-one slave-irons, 17 shackle-bolts, and 14 bundles of list for wrapping round the irons to prevent their chafing the slaves.

Four syphons, such as are used on board slave-vessels, for the slaves to drink through.

Twenty-eight water-casks and 4 casks in shakes, capable of holding altogether 2235 gallons, a quantity far greater than requisite for the crew of a merchant-vessel of her size.

Four empty casks capable of being used as night-tubs, the heads being out and having been properly coopered.

A wooden cabouse having an iron fire-place, fitted with an oven; also 5 boilers capable of holding altogether 25½ gallons, a capacity far greater than requisite for the vessel's use as a legitimate trader.

CLASS A.

A quantity of firewood, such as is found in slave-vessels, and far more than requisite for the vessel's use as a legitimate trader.

Sixty-eight bags of rice containing about 136 bushels; also about 20 bushels of farinha; quantities much greater than requisite for the crew of the vessel.

In addition to this last article it appeared from the evidence, that 6 bags of rice containing about 12 bushels had been taken out of the vessel for the use of Her Majesty's cruiser by the captor, Her Majesty's brig "Waterwitch" being short of provisions at the time of the seizure; and about 10 bushels more had been consumed by the prisoners and prize-crew during the period between detention and the admission of the "Ermelinda" into Court, making a total of 158 bushels of rice.

On the 11th of January an affidavit of the prize-officer was put in, in reply to a statement made by the cook and steward that certain trifling articles had been taken out of the vessel after her capture. On the same day a petition for a day of trial was presented by the captor's proctor. No notice of this petition was taken by the Brazilian Judge, and in consequence the proctor, on the 15th, presented a second petition for a day of trial; this was backed by the Acting British Commissary Judge immediately, for the following Monday the 17th, but the Brazilian Judge declined endorsing it for that day, and at length the day of trial was fixed for Wednesday the 19th. On that day the monition, which ought to have been returned on the 31st of December, but had been delayed by the fatal illness of the acting marshal, was returned and certified by the deputy marshal, and the Court having met according to appointment, the Judges were proceeding to take their seats on the bench, when a petition was handed to them from one of the proctors of the Court, praying that the master of the "Ermelinda" might be permitted to put in a claim for the vessel and cargo. The Brazilian Judge at once proposed to admit the claim and to adjourn the proceedings; but, after a discussion of two hours, was satisfied by the British arbitrator, who happened to be present, that at such a stage of the proceedings a claim was inadmissible, unless some very strong ground was shown for the delay, which was not attempted in this case, the rule of Court being that a claim must be presented within eight days from the date of the issuing of the monition, whereas the master of this vessel had allowed twenty-seven days to elapse before he thought of bringing his claim before the Court, and though it was nearly six weeks since the "Ermelinda" had been brought into the harbour, he had delayed employing a proctor until the very day of trial. The Judges, having accordingly dismissed the petition, proceeded to hear the evidence read, and then retired to consult as to their decision; when Mr. Niteroi, adhering to the opinion which he had expressed in the case of the "Galianna," that there being no proof of the vessel having had slaves on board, she was not liable to condemnation; and the Acting British Commissary Judge on the contrary, that, being equipped for the Slave Trade, the "Ermelinda" was subject to confiscation, the matter was referred to arbitration, and the lot having fallen on the Brazilian Commissioner of Arbitration, the Court adjourned to the following day (20th), when, Mr. do Amaral agreeing in opinion with the Brazilian Commissary Judge, a decree was pronounced, restoring the said vessel and cargo, and referring it to the Registrar to assess the costs, damages, and expenses, and to report the same to the Court.

The Registrar's assessment of damages will form the subject of a separate report.

(Signed)

W. FERGUSON.
M. L. MELVILLE.

Second Enclosure in No. 80.

Opinion of the Acting British Commissary Judge, in the case of the Brazilian barque "Ermelinda," Joaquim Antonio de Carvalho Coutinho master.

Sierra Leone, January 19, 1842.

THE case of the Brazilian barque "Ermelinda," Joaquim Antonio de Carvalho Coutinho master, captured by Her Majesty's brig "Waterwitch," Lieutenant Henry James Matson commander, and brought into this Court for adjudication, on a charge of being equipped for and engaged in the Slave Trade, is one so very similar to that of the Brazilian schooner "Galianna," tried and condemned a few days since, that it will be unnecessary for me to make many remarks.

From the evidence we have heard read, if we are to believe the three witnesses examined by the registrar, there is hardly a single article of slaving equipment on board.

The master, it will be observed (and his evidence is echoed in a most remarkable manner by the other witnesses), declares that there are no shackles, bolts, or handcuffs. It has been proved, however, by the survey, that there were 41 slave irons and 17 shackle-bolts on board the vessel.

The master again declares that there are no staves, yet 4 casks in shakes have been found by the surveyors, in addition to the excessive supply of water-casks found set up. It is worthy of notice also that the master, while he reduces the actual quantity of rice on board, cautiously avoids all mention of the large quantity of farinha in bulk.

It is curious enough that the witnesses should have alleged that the vessel bore away for the "Waterwitch," in order to get a supply of provisions, though it is proved that a large portion of the cargo of the "Ermelinda" consisted of flour, rice, farinha, &c.

When I consider these matters I cannot feel disposed to give any credence to the assertion of the master that the vessel was engaged in legitimate trade; and the additional evidence afforded by the survey that there were 6 bunks on deck, not usual in legitimate traders, and evidently there for the purpose of allowing the free disposal of the cabin for the use of the female slaves, for which use it is reported to be well adapted, being of the remarkable length of 22 feet, and having access only by a hatch—that the main hatchway is of a size found only in slave vessels, and with the combings fitted to receive the open wooden gratings usual in such vessels—that there is a much greater quantity of provisions, of fire-wood, and of water-casks, and a cooking apparatus of much larger capacity than necessary in a lawful trader—when I add to this already formidable list bundles of "list" for rolling round the slave-shackles, casks prepared for night tubs, syphons found only on board slave vessels, and recollect that the master has made no attempt to explain why the great majority of these most suspicious articles were on board, I can only come to one conclusion, that the "Ermelinda" was fitted up for and engaged in the Slave Trade; and being of that opinion I declare for her condemnation.

Third Enclosure in No. 80.

Judgment given in the case of the "Ermelinda," by the Brazilian Arbitrator.

FreeTown, January 20, 1842.

HAVING considered the documents of the process of the barque "*Ermelinda*," which were passed to me by virtue of the lot, as it is commanded by the Treaty between Brazil and Great Britain, I do not find any proof to her condemnation.

The simple reading of the said document are sufficient to show the correctness of my opinion. Because, if it was necessary to judge of the legality of the detention, the examining that the ship may have been destined for the Slave Trade, the founding on board of irons and boilers, is not sufficient to prove it; because they are necessarily used on board every vessel, and not mentioned by the Treaty, and the number of the above articles to be used by Brazilian vessels are not limited by any law.

But according to the 3rd Article of the Treaty between Brazil and Great Britain, and the 6th Article of the Convention of the 28th of July, 1817, additional to the Treaty of the 22nd of January, 1815, between Portugal and Great Britain, by which I am obliged to be guided, I do hereby declare the Brazilian barque "*Ermelinda*" to be an illegal prize, and that her owners and all persons concerned are liable to claim, and entitled to all that is allowed them by the Treaty.

(Signed) J. T. DO AMARAL,
Brazilian Commissioner of Arbitration.

Fourth Enclosure in No. 80.

Affidavit of the Prize Officer.

IN the case of the barque "*Ermelinda*," Joaquim Antonio de Carvalho Coutinho master.

Appeared personally Richard Acheson Burstal, master's assistant of Her Majesty's brig "*Waterwitch*," and prize officer of the said barque, and made oath, that he has seen and perused the evidence given by the steward and cook of the said barque, complaining of ill treatment received from this deponent, and in explanation thereto this deponent says, that, two days after their arrival in this port, a Krooman, who was discharged from Her Majesty's brig "*Waterwitch*," was about to put a chest containing his clothes into a boat in order to land them, when the steward came running aft with a crowbar in his hand, and this deponent at the time imagining that he intended to strike the said Krooman with it, seized hold of the crowbar, which the steward strived to retain, and so soon as this deponent had wrested it from him, he shoved the said steward forward, and ordered him to remain there; but as it was afterwards explained to this deponent that the chest belonged to the steward, this deponent immediately ordered the Krooman to return it or to pay the steward for it. And this deponent, respecting the complaint of the cook, says, that having been informed by one of the prize-crew (a Krooman) that the said cook had given away some of the saucepans belonging to the said barque, this deponent went forward to ascertain the correctness of his statement, and as the said cook refused to let this deponent see the number of saucepans in the galley, this deponent then taxed him with being the thief, when the cook called this deponent a dog. This deponent then told him if he did not at once muster the whole of the saucepans he would send him on shore and have him put in gaol; and as he still refused, this deponent seized him by the shirt to pull him out of the galley, when the cook laid hold of this deponent, and this deponent did then strike him with his hands, and not with a stick, as stated by the said cook, and that in the scuffle the cook's head struck against the corner of the galley, which caused a slight cut; and further, that, upon counting the number of saucepans in the galley, two were found missing.

(Signed) R. A. BURSTAL.

On the 22nd day of January, 1842, the said Richard Acheson Burstal was duly sworn to the truth of this affidavit before me,

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

Fifth Enclosure in No. 80.

Gabriel Antonio to Manoel José Constantino.

(Translation.)

Pernambuco, June 4, 1841.

BRING under the necessity of going to take care of my farm in the morning, I forward this, trusting it will not be necessary to write again on this subject. An intimate friend has purchased an etracate pinnace, and is getting her ready to proceed to your place; he has requested me to recommend him a person who will transact his business. I have recommended him to consign the vessel to you, knowing he will have no reason to regret it, and I hope you will not refuse to accept of this new correspondent, and to oblige me you will do everything in the best manner you can. I shall always feel thankful. I beg you will get as many *bars or cakes* of wax as will finish filling the vessel either on freight or on private account; she will sail in 40 days from this: by her I shall write more fully and will forward what you requested in your last.

I am, &c.
(Signed) GABRIEL ANTONIO.

P.S. Pay the bearer two dollars, and include it in the account.

Senhor Manoel José Constantino,
&c. &c. &c.

Sixth Enclosure in No. 80.

Luis Augusto to Manoel Matoro da Silveira.

(Translation.)

Pernambuco, June 19, 1841.

It would afford me great pleasure to know that these few lines will find you in possession of good health, also Mrs. Fe Finha and the rest of your family. I am at the present in good health, and at your service. I arrived in this country after a fortunate voyage, although it proved tedious, 28 days, 14 of which we passed on half allowance. One hundred and upwards of the slaves died, but not one of mine, and I sold all at the rate of 300 to 360 dollars each; some suffered great losses, but fortune favoured me. I send you a tin case with a variety of seeds, which I hope will grow at your beautiful place. Respecting the spyglass, there is no person here can put a glass in it, but I am just embarked with 1000 dollars' worth of goods for Lisbon, where I shall take it to be repaired, and on my return here I will send it to you.

It was my intention to send Fe Finha a gold chain, but as I am going to Lisbon I shall purchase one there of much better workmanship than I can find here.

I am sorry it is not in my power at present to manifest my gratitude to you for the many favours you have conferred on me, but they are eternally graved in my heart; I shall say no more at present, and beg you will remember me most kindly to Fe Finha and the rest of the family; also my best respects to Mr. José Maria, your nephew, and tell him that I delivered here to the captain, Manuel Rinho, 400 dollars.

I am, &c.

(Signed) LUIS AUGUSTO.

P.S. Do me the favour of writing as soon as you receive this, delivering the letter to Mr. Florencio de Silva Borjes, at the dry meat store in the street fronting the sea. Let me know what happened with Vellula, if he went or not; likewise let me know what is the number of the glasses of your spectacles, and the books which you require, if the governor still lives.

Senhor Manoel Matoro da Silveira,
&c. &c. &c.

(Signed) L. A.

No. 81.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, March 1, 1842.**(Received May 9.)*

MY LORD,

WE have the honour to acquaint your Lordship that Joaquim Antonio do Carvalho Continho, the master of the Brazilian bark "*Ermelinda*," died on the 6th ultimo, and that on the 14th a petition was presented to the Judges of the British and Brazilian Court of Mixed Commission, in the name of José Pedro da Silva Senna, formerly master of the condemned Brazilian Slave-vessel "*Galianna*," in which it was stated that he had been appointed to the command of the "*Ermelinda*," and prayed that the vessel's papers (which the late master had neglected to take out of the registry) might be delivered up to him.

Attached to Senna's petition was a certificate in the handwriting of His Imperial Majesty's Commissary Judge, and signed both by himself and by His Imperial Majesty's Commissioner of Arbitration, a copy of which we beg leave to enclose, from which it appeared that José Pedro da Silva Senna had, in fact, been appointed to the command of the "*Ermelinda*" by Messieurs Niteroi and do Amaral; and the acting British Commissary Judge, seeing no reason to dispute the title of those gentlemen, as respectable Brazilian subjects, to take that authority upon themselves, assented on the 15th to the delivery of the papers, which were endorsed and inventoried by the Registrar in the usual manner, and the receipt, which was given for them on the 24th ultimo by the said José Pedro da Silva Senna, has been since filed with the process of the vessel.

We have, &c.

(Signed)

G. MACDONALD.
M. L. MELVILLE.*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

Enclosure in No. 81.

Certificate of the Brazilian Commissioners.

WE the undersigned Commissioners of His Majesty the Emperor of Brazil in the British and Brazilian Mixed Commission at Sierra Leone—

Do hereby certify that we did appoint José Pedro da Silva Senna, a Brazilian citizen and master mariner, to be Commander of the Brazilian bark "*Ermelinda*," in consequence of the death of her master, J. Antonio de Carvalho Continho, which occurred on Sunday, the 6th instant.

Given at Free Town, in Sierra Leone, this 14th of February, 1842.

(Signed)

H. F. NITEROI.
J. T. DO AMARAL.

No. 82.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, April 19, 1842.**(Received June 28.)*

MY LORD,

WE had the honour to acquaint your Lordship, in our Despatch of the 1st ultimo, that the Brazilian Commissioners had appointed José Pedro da Silva Senna, formerly master of the condemned Brazilian slave-vessel, "*Galianna*," to be captain of the restored bark "*Ermelinda*," in room of the deceased, master Joaquim Antonio do Carvalho Continho. We have now the honour to inform your Lordship, that, on the afternoon of the 29th ultimo, a petition was left at the office of the British Commissioners from Mr. Thorpe, one of the proctors of the Mixed Courts, praying that the annexed claim, which appeared in the shape of a schedule of costs, damages, and expenses, signed by the said da Silva Senna, might be received and filed.

We beg leave to enclose a copy of this document and its annexes, from which your Lordship will perceive that the new master of the "*Ermelinda*" makes no attempt to show any ground or authority for assuming to himself the character of claimant, other than the fact of his being appointed master of the vessel by the Brazilian Commissioners; nor does he even state on whose behalf or for whose interest he comes forward. Her Majesty's acting Commissary Judge could not therefore look upon da Silva Senna otherwise than as mere sailing master of the vessel, a person placed there for expediency's sake alone, and without the knowledge or authority of the owners of either vessel or cargo, and not therefore in a position to be received as the legal representative of those parties in the matter before the Courts; and accordingly, on the 31st ultimo, at a meeting of the British and Foreign Commissioners, held for the purpose of receiving public tenders for the office of Commissioner of Appraisal and Sale to the Courts, Her Majesty's Commissioners expressed their opinion to that effect to the Brazilian Commissary Judge, and His Excellency Colonel Macdonald then reminded Mr. Niteroi that, when on a former occasion the delivery of the vessel's papers to da Silva Senna had been assented to, it was on the distinct understanding that that person was appointed for the single purpose of taking the vessel to her port of destination, and that such appointment was not to be considered as investing him with any authority in reference to the case before the Court; this was not denied by Mr. Niteroi, who, however, seemed to be of opinion that the new master ought, notwithstanding, to be received as the legal representative of the owners in regard to the claim for costs and damages consequent upon the restoration of the vessel. As however there were some points raised in the discussion which took place, and which he said he had not sufficiently weighed, Mr. Niteroi said that he would take the petition home and reconsider the matter. On the 1st instant, accordingly, Mr. Niteroi called on the Registrar and handed him the petition, desiring that it might be sent to the acting British Judge for his opinion, but without stating to what decision he had himself come, and it was accordingly forwarded the same day with Mr. Niteroi's message; in reply the acting British Judge desired the Registrar to acquaint Mr. Niteroi that His Excellency had already expressed his opinion fully on the petition; but that if Mr. Niteroi wished for any further discussion His Excellency would be happy to meet him at Government House.

Of this communication no notice was taken by Mr. Niteroi, but on the 5th instant a letter was addressed by him to the Registrar, requiring to be informed whether the petition in question had been sent to the Governor for his final decision, and whether it had been returned to the registry for Mr. Niteroi's decision; the acting British Judge, understanding from this proceeding that Mr. Niteroi required His Excellency's opinion in writing, endorsed the petition accordingly, and returned it to the registry, whence it was transmitted to Mr. Niteroi, who likewise endorsed his opinion, but in opposition to that of the acting British Commissary Judge, and sent the paper back to the Registrar.

On the 15th instant a letter from Mr. Niteroi was received by the acting British Commissary Judge, requesting a meeting, which Her Majesty's Commissioners immediately agreed to, and in accordance with Mr. Niteroi's wish fixed for the following day.

On the 16th instant accordingly, the Brazilian and British Commissioners having met, Mr. do Amaral expressed his concurrence in the opinion of his colleague Mr. Niteroi, that the master appointed by the Brazilian Commissioners was fully competent to represent the owners in the case before the Court. In support of his opinion he cited the cases of the "*Andorinha*" and "*Vencedora*" (Class A, 1840, pp. 183-186), in which the affidavits of two common seamen, one of whom could neither read nor write, had been accepted by the Court in verification of the declaration of the captor; and he contended that the principle admitted in the cases quoted was equally applicable in that before the Court, and that it was imperative upon the judges to receive da Silva Senna as the representative of the owners, instead of the former master, who could not be produced.

Her Majesty's Commissioners, however, could not perceive the least analogy between the two cases, nor understand how Messrs. do Amaral and Niteroi could do so, and they therefore expressed their joint opinion, "that, to enable a party to convey an authority, it would be necessary in the first instance that he should possess a right to make that conveyance. That it does not appear that the parties from whom da Silva Senna has received the command hold any instructions from the owners of the vessel or cargo, or from any other authorized party, to appoint a representative of those owners in the event of the late master's decease. That, although His Imperial Majesty's Commissioners have claimed a right, as in their belief founded on the law of nations, to appoint a representative of those owners with full power and authority, as well retrospective as prospective, Her Majesty's Commissioners cannot, after mature deliberation, receive the construction of international law adopted by Messrs. Niteroi and do Amaral, but are of opinion that His Imperial Majesty's Commissioners, being appointed to this Mixed Court for a special purpose, possess no official power or authority whatever beyond the provisions of the Treaty and Conventions, which it is their duty to assist in carrying into effect; and that, if they take upon themselves any other character, it cannot be recognised by their British colleagues. That therefore, although, as private Brazilian subjects, Messrs. Niteroi and do Amaral may have thought proper in the absence of any other resident of their nation to assume charge and possession of the '*Ermelinda*' on the decease of the late master, and may have transferred that charge and possession to another for the benefit of the owners, yet they could not convey to that person any retrospective authority in regard to the concerns of the vessel and cargo; and that the party so appointed, though he be now *de facto* master of the '*Ermelinda*,' and be perhaps competent to represent the interests of her owners in any future cause of action which might arise during the period he may be in charge of the vessel, cannot be received in this Court as the legal representative of those owners in a cause where judgment has already been given, and where the grounds of action have been antecedent, not only to his connexion with the vessel, but even to the assumption by Messrs. Niteroi and do Amaral of a right to invest him with the command."

Her Majesty's acting Commissary Judge took this opportunity of again reminding the Brazilian Commissioners, that, when he assented to the delivery of the ship's papers to a party appointed by them to the charge of the vessel, it was with the distinct understanding that the person nominated to the command was not to receive thereby any authority to represent the owners in the case before the Courts, but simply to take the vessel to her port of destination.

The Brazilian Commissioners merely remarked in reply, that at the time the papers were given up they could not know what course the new master might think proper to adopt.

The result of this discussion was a demand on the part of the Brazilian Commissary Judge that the matter in question should be decided by lot; which being accordingly done, and the right of arbitration having fallen on Mr. do Amaral, the petition was directed to be received and filed; Mr. do Amaral having in the mean time taken it to his house for the purpose of endorsing his separate opinion upon it.

A copy of the several opinions endorsed on this document we have now the honour to enclose.

In the opinion written by Mr. do Amaral it is stated, that *claiming* is to be distinguished from *receiving*, and that the certificate (decree) to be delivered by the Court to the claimant could not be negotiated by that person.

Both Her Majesty's Commissioners have read this extraordinary assertion with great surprise, inasmuch as it was distinctly shown to Mr. Niteroi on the 31st ultimo, was clearly explained to Mr. do Amaral in a private interview which he had with Mr. Melville on the 19th ultimo, and was again pointed out by both Her Majesty's Commissioners at the meeting held on the 16th instant, that the Court could not refuse to deliver the decree to the claimant (as had been proposed by the Brazilian Commissioners), and that once in his possession it would be as negotiable here as a bill of exchange, and would in all probability be discounted by one of the merchants of this place, as such had always been the practice in similar cases.

It will also be observed that Mr. do Amaral lays great stress on the neglect of the captors in not sending up either the mate or boatswain of the vessel; but it is difficult to comprehend how a neglect on the part of the seizors could be strained into an excuse for an irregularity on the part of the Court, or that, because the captors had neglected to send up a party who might have appeared as claimant, it must be obligatory on the Court therefore to receive an unauthorised person in his stead.

The petition was returned to the registry by Mr. do Amaral on the 18th, when the Registrar, having sent to the proctor for the claimant in order that the latter might be produced and sworn to the affidavit annexed to the claim, was informed that da Silva Senna had *clandestinely* quitted the colony for the Canaries on the preceding day, and without having afforded his proctor any intimation of his intention of so doing; da Silva Senna having thus abandoned the claim, the whole proceedings, so far as he is concerned, fall to the ground. We understand, however, that His Imperial Majesty's Commissioners have resumed charge of the "*Ermelinda*," and are about to appoint another master; any further steps which may be taken by these gentlemen, or by any other party, in respect to the matter before the Court, we will have the honour of communicating to your Lordship in a future despatch.

We trust that the unusually minute manner in which we have deemed it our duty to detail every occurrence connected with this affair may meet with your Lordship's approbation.

We have, &c.

(Signed)

G. MACDONALD.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 82.

Petition of Mr. Thorpe.

Freetown, March 29, 1842.

In the British and Brazilian Court of Mixed Commission, Sierra Leone.

In the case of the barque "*Ermelinda*," Joaquim Antonio de Carvalho Continho, late master.

To their Honours the Judges in the said Court, the Petition of John Thorpe the younger, Proctor on behalf of José Pedro da Silva Senna, master of the said Barque,

Humbly sheweth, That the late master departed this life on the 6th day of February last, and the said José Pedro da Silva Senna was appointed to succeed to the command of the said vessel by His Imperial Majesty's Commissioners in this colony, and that the papers of the said vessel were delivered to the said José Pedro da Silva Senna by order of this Honourable Court.

That this Honourable Court having decreed the restitution of the said vessel, and referred the amount of damages, &c., sustained to the Registrar:

Your Petitioner therefore prays that the claim and affidavit annexed may be received and filed.

And your Petitioner shall ever pray, &c.

JOHN THORPE, JUN.,
Proctor for Claimant.

In the British and Brazilian Court of Mixed Commission, Sierra Leone.

In the case of the barque "*Ermelinda*," Joaquim Antonio de Carvalho Continho, late master.

Appeared personally José Pedro da Silva Senna, master of the above-named vessel, who, being duly sworn, maketh oath and saith, that Joaquim Antonio de Carvalho Continho, late master of the said vessel, departed this life on the 6th day of February last; that this deponent has been appointed by His Imperial Majesty's Commissioners in this colony to succeed to the command of the said vessel; and that the papers of the said vessel were delivered to this deponent by order of this Honourable Court, And the deponent further saith, that he verily believes the annexed claim for costs, expenses, losses.

damages, and demurrage, are such as have been sustained in consequence of the illegal detention of the said barque "*Ermelinda*," and that he verily believes the several matters and things therein alleged are just and true.

JOZE PEDRO DA SILVA SENNA.

On the _____ day of _____, 1842, the said José Pedro da Silva Senna was duly sworn to the truth of this affidavit through the interpretation of Jan Van Luyck, who was first duly sworn to interpret faithfully between the parties in this cause.

Before me,

IN the British and Brazilian Court of Mixed Commission, Sierra Leone.

In the case of the barque "*Ermelinda*," Joaquim Antonio de Carvalho Continho, late master.

Here follows Schedule of costs, damages, and expenses, amounting to 6362*l.* 19*s.* 10½*d.*

Second Enclosure in No. 82.

The Brazilian Judge to the Registrar.

SIR,

Freetown, Kissy Road, April 5, 1842.

PLEASE to inform me if the petition respecting the claims of the "*Ermelinda*" I received from His Excellency the British Judge for my consideration, and which I delivered into your hands on Saturday morning, requesting you to send it immediately to His Excellency for its final decision, has been handed to His Excellency, and if it has been returned to the Registry Office for my decision.

I have, &c.

Signed) H. F. NITEROI,
Brazilian Commissary Judge.

C. B. Bidwell, Esq.
&c. &c. &c.

Third Enclosure in No. 82.

The Brazilian Judge to Her Majesty's Acting Judge.

SIR,

Freetown, Kissy Road, April 15, 1842.

OUR colleague, Mr. Amaral, informs me that Mr. Weston told him last evening that His Honour Mr. Melville only waits for the notice of the day and hour appointed for our intended meeting.

Mr. Amaral and myself are ready to meet our British colleagues at any time they should think proper, as I had the honour of observing to your Excellency in our last interview.

I entreat your Excellency to take the necessary steps in order that our meeting may take place to-morrow, if it should be convenient both to your Excellency and to the Honourable Mr. Melville.

I have, &c.

(Signed) H. F. NITEROI,
Brazilian Commissioner Judge.

His Excellency Governor Macdonald,
&c. &c. &c.

Fourth Enclosure in No. 82.

Opinions of the British and Brazilian Judges and the Brazilian Commissioner of Arbitration, in the Case of the "Ermelinda."

THE petition not granted; the party seeking to be admitted as claimant not appearing to have any legal authority for assuming the character of the representative of the owners of the vessel or of the cargo in the cause before the Mixed Commission Court.

(Signed) G. MACDONALD,
Commissary Judge, Mixed Commission Court.

I grant the petition. The party, Silva Senna, as master of the barque, is competent to be admitted as claimant before the British and Brazilian Mixed Commission.

Freetown, April 7, 1842.

(Signed) H. F. NITEROI,
Brazilian Commissioner Judge.

The petition must be granted, because José Pedro da Silva Senna can claim on behalf of the owner of the barque under his command, and of her cargo.

The only reason which can be raised against it is the fact of José Pedro da Silva Senna not being appointed by the owners; but it is to be observed that the papers of the vessel enable him as well as they could have enabled the late master, Joaquim Antonio de Carvalho Continho.

The fact of claiming is to be distinguished from the fact of receiving the money of the granted indemnifications, and any doubt cannot be raised in reference to the interests of the owners, because any transaction cannot be made by the said Silva Senna with the certificate which would be delivered to him by this Court (nor could it be made by an attorney *ad hoc* from the owners) without an especial authorization by writing, and legally authenticated.

This Court cannot refuse to grant the petition, because the case of the barque was received in

adjudication, the mate and the boatswain not being on board, who are, according to the universal maritime law, the principal persons on board mentioned by the Treaty. The execution of the Treaty by the captor would prevent this question and difficulties.

(Signed)

JOAQUIM THOMAZ DO AMARAL,
Brazilian Commissioner of Arbitration.

Freetown, April 16, 1842.

No. 83.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 29, 1842.

I HAVE received your Despatches, marked Brazil, of this year's series, on the subject of the proceedings taken by the Commissioners acting on behalf of Brazil in the British and Brazilian Court of Commission, of which you are members.

It appears from these papers, that, in the cases of the Brazilian vessels "*Ermelinda*" and "*Galianna*," captured on suspicion of Slave Trade, the Brazilian Commissioners objected to the witnesses being examined by the Registrar to the Mixed Court; and that they contend that the examinations ought to be taken by the Commissioners themselves in person.

The practice of taking examinations before the Registrar was laid down in a code of instructions transmitted from the Foreign Office to His Majesty's Commissioners in the year 1819, and has been universally followed since that period.

It appears that the Brazilian Commissioners found their objection to the established practice on this point upon the fact of there being no record that the Portuguese Government directly sanctioned the adoption of these regulations.

It does not, indeed, appear that the Portuguese Government signified to the British Government the adoption by them of these regulations; but the regulations were acted upon and acquiesced in by the Portuguese and other Commissioners at Sierra Leone in all the cases which have come before them.

You state that the Brazilian Commissary Judge, having provisionally consented that the examinations, in the case before the Court, should be taken by the Registrar, insisted on being present at the examination; and that you opposed this demand, and that you apprehend that much inconvenience would arise from the establishment of such a practice: and you observe that, by the regulations for your guidance, it is laid down as a rule that no person but the interpreter should be present when a witness is under examination.

I have submitted to Her Majesty's Advocate-General the questions arising out of these points for his opinion thereupon.

The Queen's Advocate has reported that, by the 2nd article of the regulations for the Mixed Commissions annexed to the Convention of the 28th of June, 1817, it is agreed that the Mixed Commissions, which are to reside on the coast of Africa and in the Brazils, shall be composed as follows:—

"The two High Contracting Parties shall each of them name a Commissary Judge and a Commissioner of Arbitration, who shall be authorized to hear and decide, without appeal, all cases of capture of slave-vessels which, in pursuance of the stipulations of the additional Convention of this date, may be laid before them. All the essential parts of the proceedings carried on before these Mixed Commissions shall be written down in the language of the country in which a Commission may reside.

"The Commissary Judges and the Commissioners of Arbitration shall make oath, in presence of the principal magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions in pursuance of the stipulations of the Treaty of the 22nd of January, 1815, and of the additional Convention to the said Treaty.

"There shall be attached to each Commission a Secretary or Registrar, appointed by the sovereign of the country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath in presence of at least one of the Commissary Judges to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge."

And by the 3rd article of the said Convention it is ordered that, "The form of the process shall be as follows:—

CLASS A.

“The Commissary Judges of the two nations shall in the first place proceed to the examination of the papers of the vessel, and to receive the depositions on oath, of the captain, and two or three at least of the principal individuals on board of the detained vessel, as well as the declaration, on oath, of the captor should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the additional Convention of this date, and in order that, according to this judgment, it may be condemned or liberated.”

The terms of the above-recited articles, taken by themselves, are perhaps not free from ambiguity as to the point whether it was the meaning of the Contracting Parties that the Commissary Judges should themselves personally examine the witnesses, the Registrar being present to record the evidence, or whether they were merely to receive the depositions as taken by the Registrar alone, and to pronounce a judgment thereon.

The Queen’s Advocate is of opinion, however, that the practice which has prevailed ought to be decisive of the question. He observes that it is a general presumption that things have been done as they ought to be, and it should seem that, with the exception, perhaps, of a single case, the Registrar alone has heretofore constantly taken the examination of the witnesses.

He remarks that this practice was in accordance with the meaning of one of the parties to the contract, viz. Great Britain, is placed beyond doubt by the directions sent from Lord Castlereagh in February, 1819, for the guidance of the British Commissioners.

It is also to be observed that the Portuguese Government, through their Commissioners, acquiesced in the practice at Sierra Leone, and acted according to it up to the time when the Convention with Portugal was adopted by Brazil; and as the Brazilian Government, with a full knowledge of the course which has been pursued for so long a period of time, has never thought proper to remonstrate against it, it must be presumed to have put the same construction as the British and the Portuguese Governments have done on the terms of the Convention.

You will, therefore, maintain the practice heretofore in force in the Mixed Courts in these respects, unless other matter shall arise which shall induce you to believe that the course may be altered with advantage; in which case you will report the circumstances to Her Majesty’s Secretary of State for his consideration thereupon.

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

I am, &c.
(Signed) ABERDEEN.

No. 84.

Her Majesty’s Commissioners to the Earl of Aberdeen.

Sierra Leone, April 29, 1842.

(Received August 10.)

MY LORD,

WE have the honour to acquaint your Lordship that Her Majesty’s brig “Ferret,” Commander J. Oake, arrived here on the 26th instant with 36 natives of Africa, put on board her by Captain Foote of Her Majesty’s ship “Madagascar,” who had obtained possession of those persons under the following circumstances:—

The “Madagascar” being in the neighbourhood of Cape Coast Castle, Captain Foote received a letter, dated the 16th March, from Mr. Maclean, the President of the Council of that Government, conveying the intelligence that a boat conveying about 40 slaves, attended by a few Europeans, had landed near the Dutch fort of Axim some days previously, and had been taken possession of by the Commander of that place. Captain Foote, on receiving this information, lost no time in addressing a note to the Dutch Governor-in-Chief on the Gold Coast, proposing to take the negroes under his protection in order to their being sent to Sierra Leone. Lieutenant-Colonel A. Vander El, the Dutch Governor, with great promptitude acceded to Captain Foote’s application, and the slaves were received on board the “Madagascar,” and subsequently

transferred to the "Ferret" for a passage to Sierra Leone, Captain Foote sending with them a declaration of the manner in which he had got possession of them, with a view to the case being prosecuted in one of the Courts of Mixed Commission established here. The circumstances of their detention would not, however, of course admit of their being brought before the Mixed Commissions, and they have therefore been handed over to the colonial authorities. Captain Foote's proctor having favoured us with the declaration and annexes sent up by that officer, we have the honour of enclosing a copy for your Lordship's information, as containing a more detailed account of the matter.

It appears from these documents that the boat containing the slaves had belonged to a small Brazilian schooner called the "*Vencedora*," belonging to Ramon Carvalho, and Francisca Costa, and commanded by the former, which cleared out from Bahia for St. Thomas on the 16th of August last, and, having arrived at the latter place, the vessel's launch, being the boat in question, was despatched to the Gaboon for slaves, with directions to meet the "*Vencedora*" at Prince's Island; but on returning with her human cargo an English steamer of war (probably the "*Pluto*") was seen at a distance, and in keeping away from the island in consequence, for the purpose of avoiding capture, the people in the boat missed it altogether, and having lost their reckoning, after beating about for above four weeks, at length landed on the 24th of February, near Axim, where the boat was wrecked, and the slaves and crew were taken by the commandant of that fort, and afterwards sent to Elmina.

We have, &c.

(Signed)

G. MACDONALD.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 84.

Declaration of Captain Foote.

I, John Foote, Esq., Captain of Her Majesty's ship "Madagascar," hereby declare, that, having received information from the President of the Council of Government at Cape Coast Castle, as per annexed letter No. 1, that a boat containing about 40 slaves had landed between Hollandia and Axim, and being taken possession of by the authorities at that place, I immediately addressed a letter to his Excellency the Governor-in-Chief of the Dutch settlements on the Gold Coast, a copy of which is annexed No. 2; and having received his reply, No. 3, I went to the Dutch settlement at St. George d'Elmina, and received on board, for conveyance to Sierra Leone, the 37 slaves as follows, viz. :—

	Healthy.	Sick.
Men	15	2
Women	9	0
Boys	8	0
Girls	0	0

together with six men composing the crew of the boat, whose names, as declared by them respectively, are inserted in a list at the foot hereof.

And I further declare that, from all the information I have been enabled to gain from the master of the boat and the other men, they belong to a schooner named the "*Vencedora*," of about 60 tons, under Brazilian colours, whereof is master Ramon Carvalho, and owners Ramon Carvalho and Francisca Costa, which cleared out from Bahia for St. Thomas's Island on the 18th of August, 1841; and, having arrived at that place, after a stay of about 20 days, sent the boat in question to the Gaboon for her slaves, with an agreement to meet her at Prince's Island; but after sailing from thence (the Gaboon) on the 23rd of January, 1842, and on her return, she saw an English steamer-of-war, and was in consequence afraid to approach the island, and, missing it altogether, lost her reckoning, and landed on the 24th of February, 1842, on the beach near Axim, for the purpose of disposing of the slaves, where the boat was afterwards wrecked, and the slaves and crew taken by the commandant of Axim, and afterwards removed to Elmina.

Crew of th. Boat.

Francisca Costa—master.

Paulbe Marques, Domingo Sta. Clara, Francisco Calbo, Joaquim, Antonio—mariners.

(Signed) JOHN FOOTE.

(Witnesses.) (Signed) CHARLES GAHAN, *Master.*
JOHN READ, *Surgeon.*

And I further declare, that on the 26th day of March, 1842, 36 of the aforesaid slaves were removed on board Her Britannic Majesty's brig "Ferret," for conveyance to Sierra Leone, one being retained on board the "Madagascar," in consequence of his being in a dying state, and quite given over by the medical officers, who report him quite unfit to be removed.

(Signed)

JOHN FOOTE, *Captain.*
JOHN READ, *Surgeon.*

SIERRA LEONE. (*Brazil.*)

Second Enclosure in No. 84.

President of the Council to Captain Foote.

SIR,

Cape Coast Castle, March 16, 1842.

As all information, however slight, respecting the proceedings of slave-vessels must be of importance to you, I beg leave to acquaint you that on (I believe) the 3rd instant a long-boat containing 40 slaves, attended by a few Spaniards, landed near the Dutch fort of Axim, under the following circumstances.

The vessel to which the boat belonged, perceiving three French men-of-war proceeding down the coast from Assinée, and mistaking them probably for English cruisers, put the above-mentioned number of slaves, together with a quantity of specie, into her long-boat, directing the officer in charge to land at some spot whence she might have a chance of picking them up again. The boat landed between Hollandia and Axim; the commandant of which last fort, on hearing of the circumstance, immediately sent and captured the whole of the slaves and the boat's crew, and lodged them in Axim Fort, where they now are. Having been at Dixcove when the occurrence took place, I had an opportunity a few days subsequently of seeing the vessel to which the boat belonged; she was a low-rigged Ballahoo schooner; on nearing Dixcove Fort she showed no colours, although those on the fort were hoisted. I subsequently, about eight days ago, saw her pass this place, steering east. If chased she would doubtless have shown American colours. I do not give the above statement as being absolutely correct in its details, but the main facts are, I believe, substantially as I have stated them.

I have, &c.

(Signed) GEORGE MACLEAN,
*President of the Council of Government.**Captain Foote, R.N.*
&c. &c. &c.

Third Enclosure in No. 84.

Captain Foote to the Governor of Elmina.

SIR,

H.B.M.S. "Madagascar," off Axim, March 19, 1842.

I HAVE the honour to transmit to your Excellency a letter I have received from Mr. Maclean, President of the Council of Government at Cape Coast Castle, informing me that the Commandant of Axim had taken possession of a long-boat containing 40 negroes and a few Spaniards, which boat had landed betwixt Hollandia and Axim on the 3rd instant.

I do myself the honour of proposing to your Excellency to take these poor negroes under my protection on board this ship, in order to their being sent to the fostering protection of the British colony at Sierra Leone, where they will be fed, clothed, and taken every possible care of; and I beg to assure your Excellency that I am induced to make this proposal solely with a view to afford every assistance in my power towards the comfort of these poor negroes, who have, through the vigilance and praiseworthy conduct of the commandant of Axim, been happily delivered from slavery.

I have, &c.

(Signed) JOHN FOOTE,

*Captain and Senior Officer commanding on the West Coast of Africa.**The Governor of Elmina,*
&c. &c. &c.

Fourth Enclosure in No. 84.

The Governor of Elmina to Captain Foote.

SIR,

St. George d'Elmina, March 22, 1842.

UPON my arrival from Axim, which was just now, I had the honour to be made acquainted with your Honourable's letter of the 19th instant.

The contents just agreeing with my previous intention, I have the honour to communicate that I put into your disposal the alluded castaways of the Spanish boat, in order to have these unfortunate people transported to Sierra Leone.

I suppose that your Honourable's presence, relating to the taking them over, is highly necessary, wherefore I take the liberty to request trouble to be made to sail for here, by which opportunity I shall be enabled the pleasure of getting into acquaintance with you.

Believe, &c.

The Hon. John Foote,
&c. &c.

(Signed) A. VANDER EL.

No. 85.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, May 2, 1842.**(Received August 10.)*

MY LORD,

WE have the honour to acquaint your Lordship that Mr. do Amaral, His Imperial Majesty's Commissioner of Arbitration, left this place yesterday in the English merchant-ship "Liverpool," bound to London, with the intention of passing a few months in Europe, for the benefit of his health.

We have, &c.

(Signed) G. MACDONALD,
M. L. MELVILLE.*The Right Hon. the Earl of Aberdeen, K. T.,*
&c. &c. &c.

No. 86.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, May 7, 1842.

(Received August 10.)

MY LORD,

ON the 19th ultimo we had the honour, in our Despatch of that date, to acquaint your Lordship that Jozé Pedro da Silva Senna, the new master of the restored bark "*Ermelinda*," had clandestinely quitted the colony on the 17th ultimo, at once abandoning the vessel and the claim for costs and damages.

A few days after the departure of da Silva Senna, Messrs. Niteroi and do Amaral, having again taken upon them the charge of the vessel, appointed another master, one Thomas Wilkinson, who is said to be a British subject, and on the 5th instant the "*Ermelinda*" at length weighed anchor, having cleared out at the customhouse on the 26th ultimo, for Pernambuco, with no passenger, and a "cargo of general merchandize."

On the 28th ultimo the proctor for the captors presented a petition, praying that the Court would receive the affidavit of the prize-officer of the "*Ermelinda*," in reference to various items in the schedule of costs and damages presented by da Silva Senna, it being desirable that the evidence of that officer should be secured in the contingency of the schedule referred to being eventually adopted by the claimant.

Her Majesty's Acting Commissary Judge saw no objection to this application, and therefore endorsed the petition as being granted, and immediately sent it to Mr. Niteroi for his signature, never once imagining that, as the Brazilian Commissioners had ruled that the Court should accept Senna as the claimant, and receive his schedule of costs and damages, they could offer any objection to the reception of evidence on behalf of the captors in regard to that schedule.

On the 2nd instant the petition, enclosed in a blank envelope, addressed to His Excellency Colonel Macdonald, was left at the *Registry*, and forwarded immediately to Government House. On examination it was found that Mr. Niteroi had endorsed the petition as *not granted*; dating his endorsement the "30th April," the day previous to Mr. do Amaral's departure for England. Its detention, however, by Mr. Niteroi until the 2nd of May, of course threw the decision upon Her Majesty's Commissioner of Arbitration, who, considering that the Court had directed the schedule in question to be received as a basis on which the registrar might assess costs and damages, was of opinion that it would be but justice to the captors to afford them an opportunity of recording important evidence, which circumstances at a future period might place beyond their reach.

We beg leave to enclose a copy of the petition and affidavit in question, with the endorsements of the British and Brazilian Commissioner, thereupon.

We have, &c.

(Signed)

G. MACDONALD.

M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 86.

Freetown, April 29, 1842.

In the British and Brazilian Court of Mixed Commission, Colony of Sierra Leone.

In the case of the bark "*Ermelinda*," Joaquim Antonio de Carvalho Continho, Master.

To their Honours the Judges of the said Court.

The Petition of Robert Dongan, Proctor, on behalf of Henry James Matson, Esquire, Lieutenant-Commander of Her Majesty's brig-of-war "*Waterwitch*,"

Humbly Sheweth—That, from the circumstance of there being no claimant before this honourable Court, whereby the assessment of the schedule of costs, damages, and expenses might be entered upon, your petitioner is prevented from producing evidence on behalf of the seizer in opposition to the claim; and as Mr. Burstal, the prize officer, has been detained in the colony, for the sole purpose of giving such evidence, from the time of his arrival here in the said bark on the 9th of December last to the present time,—

Your petitioner therefore prays that, under the peculiar circumstances of the case, the annexed affidavit of the said prize officer may be received, as he is now compelled to join his ship, so as to provide against the contingency of the schedule furnished on behalf of Jozé Pedro da Silva Senna being eventually adopted by the claimant; it being very desirable, from the many casualties which navy officers are subject to on this coast, to secure this evidence in the mean while.

And your petitioner shall ever pray, &c.

(Signed) R. DOUGAN, Proctor for Seizor.

Affidavit of Mr. Burstal.

In the British and Brazilian Court of Mixed Commission, Colony of Sierra Leone.

In the case of the bark "*Ermelinda*," Joaquim Antonio de Carvalho Continho, Master.

Appeared personally Richard Acheson Burstal, Master's Assistant of Her Majesty's brig "*Waterwitch*," and prize officer of the said bark; and made oath that he has seen and perused the schedule of costs, damages, and expenses produced in this cause, purporting to be signed by one Jozé Pedro da Silva Senna, and so far as his own knowledge extends to the several matters therein referred, deposeth and saith as follows, that is to say—

That as to the claim for leakage and loss of aquadente, he says, that at the time of the seizure and detention of the said bark the upper tier of aquadente, which formed part of the cargo, was very badly stowed, and several of the casks were then in a very dilapidated state, and from the general appearance of the whole, when afterwards landed, he has no doubt whatever that the leakage was considerable, and which proceeded principally from the defective state of the said casks, and that no part thereof was taken out of or removed from the said bark during the time he had charge of her.

That as to the claim for deterioration in value of the roll tobacco, he says that the said roll tobacco was exactly in the same state and condition when delivered up by him to the late master as it was at the time of seizure; and he verily believes that no damage whatever ensued from the long confinement on board. That as to the claim for eight casks of flour, stated to have been damaged through the long detention, he says that he verily believes the whole of it was more or less damaged previously to the seizure of the said bark, for that in searching the vessel two of the said casks were opened for the purpose of examining their contents, and both of them were found to be damaged, and the remainder appeared exactly in the same state; and that another cask was opened on the passage to this port, for the use of the prize-crew, and although the best was picked out for that purpose, yet it was not good, it being full of weavels.

That, as to the claim for 19 boxes of marmalade, stated to have been destroyed, he says that none of the said marmalade was destroyed either by himself or by any of his prize crew. That as to the claim for the value of 2 horses, he says that the said 2 horses were sold at St. Helena, at public auction for their full value, and that they could not have been brought to this port without incurring great expense, and that the same description of horses would not, in his opinion, be worth more than 10*l.* or 12*l.* in this colony.

That, as to the claim of a 6-inch hawser, a jolly-boat, and a sledge, he says that the said claim is altogether an erroneous one, the said articles having been given up in the vessel to the late master after her restoration, with the other articles included in the inventory taken at the time of seizure, and that the said articles were on board of her when so given up. He says also that it is true the vessel in coming into port did get aground, having been obliged to bring her to off Murray Town, and in getting her under weigh again she cast the wrong way, and struck on the sand-bank off the said town, but she did not bump, as the water was quite smooth, and he is positive that no damage was done to her, for the late master himself declared to him that, as no damage had occurred from her grounding, he should not even allude to the circumstance in giving his evidence before this honourable Court. And he further says that, at the time of seizure, and also at the period when the vessel was given up to the late master, the only repair required to the hull was caulking the top sides and deck.

That, as to the claim for a compass and binnacle-lamp stated to have been broken, he says that neither of the said articles were broken when the vessel was delivered over by him to the marshal.

That as to the claim for loss and damage of sails, he says that, at the time of seizure, the whole of the said sails were in a very bad condition, and there was not a good sail among them. That they were taken every possible care of by him during the time he had charge of the vessel, and that the fore top-gallant sail was made into a top-gallant studding sail on the passage to this port; with the consent of the late master, and that the spare canvas was used in repairing the other sails.

That as to the claim for 15 cwt. of rope stated to have been cut and destroyed, he says that no rope whatever was cut and destroyed during the time he had charge of the vessel. That as to the claim for 13 water-casks stated to have been destroyed, he says, that the whole of the water-casks on board the vessel were given up by him in the same state as they were in when she was seized, with the exception of three of the said casks, which, being shaken, were taken to pieces and tied up with the heads and hoops, and were delivered up with the others.

That as to the claim for provisions stated to have been used by the prize crew, he says that the only provisions belonging to the said barque which were used or consumed by the prize crew were 1½ bag of rice and 1 barrel of flour, which they were obliged to take, as the provisions supplied by the "*Water Witch*" were nearly consumed on arrival in this port.

That as to the claim for cabin-furniture and stores stated to have been consumed and destroyed by the prize crew, he says that the 2 iron-boilers referred to in the schedule were left on board the said vessel; that there were 5 cooking-pots, 2 of which were used by the prize crew; that there were only 1 dozen plates, which were also used by the prize crew; that there were no dessert plates; that there were only 2 patty-pans, no tin-pots, 2 tea-kettles—1 of them was used by the prize crew—1 tin coffee-pot, 8 knives and forks, 3 spoons and 1 gravy-spoon, which were used by the prize crew; that there were no carving-knives and forks; and there were only 1 dozen teacups, which were used by the

prize crew; that there were no coffee-cups, no sugar-pots, only 1 butter-pot, and 1 teapot, which were used by the prize crew; no Britannia metal coffee-pot, and but 6 tea-spoons, which were used by the prize crew. And lastly, this deponent says that, after delivering over the vessel to the late master, he offered to give back to the said master the several things last above enumerated which had been used by the prize crew; but the said master refused to take them, stating that, as the whole of the cabin furniture belonged to himself and not to the ship, he would not take them back again, and that the prize crew might keep them, which they did.

(Signed) R. A. BURSTAL.

On the 2nd day of May, 1842, the said Richard Acheson Burstal was duly sworn to the truth of this affidavit,

Before me, T. C. WESTON, *Acting Registrar.*

Endorsed as follows.

Granted—April 29, 1842.
(Signed) G. MACDONALD.

Not granted.
(Signed) NITEROI.

April 30.

The Court having decided that the schedule referred to by the petitioner should be received as a basis whereon the Registrar might assess costs and damages, I consider it but just that the prayer of this petition should be granted.

Let the affidavit therefore of the prize-officer of the "*Ermelinda*" be received, and let it be filed with the other papers in the case.

May 2, 1842.

(Signed) M. L. MELVILLE.

No. 87.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, May 22, 1842.

(Received August 20.)

MY LORD,

WE have the honour to report to your Lordship that, on the 18th inst., Mr. Niteroi, His Imperial Majesty's Commissary Judge, intimated to us officially his intention of proceeding to the island of Teneriffe for the benefit of his health, and that he embarked the same day in the Spanish schooner "*Rosita*," Juan Castro, master, bound for that place.

We have, &c.
(Signed) G. MACDONALD.
M. L. MELVILLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 88.

Her Majesty's Commissioners to Viscount Canning.

Sierra Leone, June 30, 1842.

(Received August 30.)

MY LORD,

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 during the half-year ending this day.

We have, &c.
(Signed) G. MACDONALD.
M. L. MELVILLE.

The Viscount Canning,
&c. &c.

Enclosure in No. 88.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission established at Sierra Leone, between January 1 and June 30, 1842.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where captured.		Property Seized.	Seizor.	Date of Sentence.	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 un-sold, and in whose hands the Proceeds remain.
				Latitude.	Longitude.				Foreign, according to the papers.	English.	Old admeasurment.			New admeasurment.
Galianna	Brazilian	Jozé Pedro da Silva Senna	1841. Nov. 23	5° 2' 30" N.	2° 58' 15" E.	Schooner and Cargo	Edmund Wilson, Esq., H. B. M. brig "Cygnet."	1842. Jan. 11	114	145 $\frac{1}{2}$	72 $\frac{1}{2}$	72 $\frac{1}{2}$	Vessel and stores sold at public auction, and the proceeds paid into the military chest.
Ermelinda	Do.	Joaquim Antonio de Carvalho Coutinho	Oct. 27 1842.	9° 20' S.	9° 40' E.	Barque and Cargo	Henry J. Matson, Esq., H. B. M. brig "Water Witch."	"	244	..	..	..	Barque and cargo delivered up to the master.
St. Antonio	Do.	Bernardo Joaquim de Santa Anna	May 7 1842.	12° 20' S.	13° 14' E.	Brigantine, Cargo, and moneys.	Joseph Nourse, Esq., H. B. M. brigantine "Fawn."	June 14	170	182 $\frac{3}{4}$	81 $\frac{1}{2}$	81 $\frac{1}{2}$	Vessel and stores in charge of the Commissioner of Appraisal and Sale, the same being ordered to be sold at public auction, and the proceeds, together with the moneys seized, paid into the Registry twenty-one days from the date of the condemnation.

(Signed)

G. MACDONALD.
M. L. MELVILLE.

(Signed)

Sierra Leone, June 30, 1842.
T. C. WESTON, Acting Registrar.

No. 89.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, June 16, 1842.**(Received September 10.)*

MY LORD,

WE have the honour to transmit herewith our report of the case of the brigantine "*St. Antonio*," condemned in this British and Brazilian Court of Mixed Commission on the 14th instant.

The "*St. Antonio*," ostensibly commanded by Bernardo Joaquim de Sta. Anna, was fallen in with on the 7th ultimo off the coast of Benguela, by Her Majesty's brigantine "*Fawn*," Lieutenant Joseph Nourse commanding, and, after a few hours' chase (during which the pursued vessel obstinately persisted in hoisting no colours), was detained for being found equipped for the Slave Trade; and a Brazilian flag having been at length hoisted by the crew, and Brazilian papers produced to the captor, she was sent to Sierra Leone for adjudication.

The prize arrived here on the 5th instant, and proceedings, which commenced against her on the 7th, terminated on the 14th in her confiscation. Six hundred and sixty dollars in gold, found on board at the time of capture, were considered by the Court to be involved in the fate of the vessel, and were condemned accordingly.

The "*St. Antonio*," originally, no doubt, American, appears from her papers to have entered Bahia (under what flag is not mentioned) on the 22nd of December, 1841. On the 22nd of March last she obtained an imperial passport and other official papers at that city nationalising her, and on the 28th she sailed thence, having previously cleared out, for the island of St. Michael by way of Pernambuco, but, in fact, bound for the coast of Africa. The captain of her Brazilian flag (for she was also furnished with Portuguese and American colours) was one Bernardo Joaquim de Sta. Anna; the true master, however, was Benito Derizans, a Spaniard, whose name has already appeared in our correspondence as being the brother of the *real* captain of the "*Constitucão*," condemned on the 12th of October, 1838, in the British and Spanish Mixed Court of Justice established here.

In connexion with Derizans there was also on board the "*St. Antonio*" at the time of her capture one Manuel Pinto, who though, like Derizans, in the ostensible capacity of a "passenger," was in reality the first mate, and probably the supercargo of the vessel; this Pinto we believe to be the same with a person of a similar name who appeared here as captain of the flag of the "*Destimeda*," condemned in this Court on the 18th of November, 1839.

Derizans and Pinto, however, were not sent to Sierra Leone; the first having eluded observation, and got on shore in the disguise of a common sailor, and the latter having been permitted to follow him by Lieutenant Nourse.

It has been reported here by one of the witnesses that this vessel had no less than 8000 dollars in gold on board at the time of seizure, the whole of which, with the exception of the 660 dollars mentioned above, would appear to have escaped the vigilance of the capturing officer, and to have been taken ashore by Derizans and others of the crew who were landed on the coast of Benguela.

We have, &c.

(Signed)

G. MACDONALD.
M. L. MELVILLE.*The Right Hon. the Earl of Aberdeen, K. T.*

&c.

&c.

&c.

Enclosure in No. 89.

Report of the Case of the Brazilian Brigantine "St. Antonio," Bernardo Joaquim de Sta. Anna
*master.**Sierra Leone, June 16, 1842.*

THE papers found on board this vessel were:—

1. Imperial passport, No. 236, for the "national brigantine schooner '*St. Antonio*,'" dated at Bahia, 22nd March, 1842, and signed by the President of the Province, Joaquim José Pinheiro de

CLASS A.

Vasco^o. (Vasconcellos), and countersigned ("by order of his Excellency") by João José d'Almeida Conto. Annexed to this document is the usual certificate of registration, No. 421, of the said vessel, owned by João Antonio de Sa Barreto, a resident of Bahia, and commanded by Bernardo Joaquim de Sta. Anna. In this certificate, which bears the same date as the passport, and is signed by José Antonio de Cunha and Manoel Antonio d'Abreu, this vessel is described as being of foreign construction, and of 170 tons burthen.

2. Official muster-roll (No. 508) of said vessel bound for the Island of St. Michael, by way of Pernambuco, with a crew of 16 persons, the master (stated to be the said Bernardo Joaquim de Sta. Anna) having produced documents showing himself to be a Brizilian subject, and a resident of Bahia. This paper bears the same date as the former, and, in addition to the 16 persons forming the crew, the following names are written *in pencil* as "passengers:"—"Benito Derizans, Manuel Pinto, Vacislau Joaquim d'Almeida, Manoel Venturi, Manoel dos Santos, Manoel do Outeiro, Francisco da Silva, Joaquim Ramos, Joaquim José, Antonio, José."

3. A receipt for harbour-dues for the said vessel, commanded and owned as before mentioned. In this document, which is dated as the preceding papers, this vessel is described as having "entered" on the 22nd December, 1841, and "expecting to sail" on the 28th March, 1842.

4 & 5. Two passes for the said vessel from the Consulate Office at Bahia, numbered respectively 531 and 229, and bearing the same date as the preceding papers.

6. Fort-pass for said vessel, bound and commanded as above mentioned, dated at the Palace, 23rd March, 1842, and signed by the President of the Province.

7. A certificate that the vessel had cleared from the Post-Office.

8. A clean bill of health for the said vessel, with a crew of 16 persons, including the master, signed by the President of the Municipal Hall of Bahia, numbered 134, and dated 21st March, 1842. In this document the destination of the vessel is stated to be the *Island of St. Thomas*, by way of Pernambuco.

9. A log, showing the vessel's course from Bahia to *Benguela*, commences 28th March, and ends 6th May, 1842 (the day preceding capture), on which date they sighted Nuevo Redondo, in *Benguela*, bearing north north-east, distant ten miles.

10. Another log for a voyage from Bahia to the Island of St. Michael, commencing and ending on the same dates as the preceding, and evidently made up for some fraudulent purpose.

The brigantine "*St. Antonio*" was detained after a chase of five hours in latitude 12° 20' south, longitude 13° 14' east, by Her Majesty's brigantine "*Fawn*," Lieutenant Joseph Nourse commanding. No colours were hoisted on board the "*St. Antonio*" until some time after capture, when a Brazilian flag was run up, and Brazilian papers were produced to the seizing officer. On inspection the vessel was found to be equipped for the Slave Trade, and was in consequence sent to Sierra Leone for adjudication.

The "*St. Antonio*" arrived in this harbour on Sunday the 5th instant, and was reported by the Marshal the following morning. At a late hour on that day the vessel's papers, together with the captor's declaration, and the affidavit of the prize-officer, were brought into the British and Brazilian Court of Mixed Commission, and on the 7th the usual monition, and a Commission of Survey and Inspection, were issued.

The captor's declaration is as follows:—

"I, Joseph Nourse, lieutenant, commanding Her Britannic Majesty's brigantine "*Fawn*," hereby declare that on the 7th day of May, 1842, being in or about latitude 12° 20' south, and longitude 13° 14' east, I boarded the brigantine "*St. Antonio*." That she would hoist no colours, although I fired across her bow, having an English ensign and pendant flying. That I found on board Brazilian, Portuguese, and American colours, and after great hesitation they chose to hoist Brazilian, and brought out Brazilian papers, by which she ought only to have had 16 persons on board, whereas she had 27, and 4 of those named in her papers were not on board. That she had two small guns, and wooden imitation of a long pivot-gun, mounted amidship, which they pointed at our boat when pulling alongside. Upon searching I found several packages of ball-cartridge, and a rack for a considerable number of muskets, which they declared they had thrown overboard; and upon after-search I also found two false logs, both artfully kept up to the day before her capture, which circumstances led me strongly to suspect they intended, should an opportunity occur, to plunder any vessel they could intimidate. That no one would come forward as Captain, other than the one I send in the vessel, who answered to the name in the manifest. That she had slave-coppers, slave-deck laid down, iron bars fitted for passing through the combings of her hatchways and forelocking, her hold stowed with full water-casks, a large quantity of farinha and dried meat stowed in bulk, besides tin pans, pumps, and suckers, wooden spoons, &c. &c. That the pilot (whom I first thought was the true captain), at his earnest entreaty, I allowed to follow the rest of the crew, he proving to me that the sailing captain had escaped me in the dress of a seaman; I being led thereto by the consideration that, as I had allowed three blacks of their crew to work their passage to Sierra Leone, it was as well not to have too many persons of influence over them, as it might compromise the safety of the small prize-crew I could afford to send in her."

The affidavit of the prize-officer, Mr. A. R. Elliott, authenticating the vessel's papers, deposed, in addition, that seventy-five half-doubloons had been found by Lieutenant Nourse in the possession of one Manuel Francisco Pinto, and that three doubloons and three-quarters had been found in the possession of the boatswain, the said money being in the custody of the deponent. This sum, amounting altogether to forty-one and a quarter doubloons, or six hundred and sixty dollars, was placed in charge of the Marshal on the 7th instant.

On the same day the witnesses, Bernardo Joaquim Sta. Anna (calling himself), the master, and Jacintho d'Abreu Guerra, the boatswain of the vessel, were brought up and examined by the acting Registrar.

The evidence of the former was to the following effect:—"That he was born at St. Salvador, in the Brazils, and has always lived there. Is a Brazilian subject, and has never served any other state; his wife and family reside at St. Salvador. He was appointed to the command of the captured vessel by Antonio José Barito, who resides at Bahia, and is a Brazilian subject, and possession was given to him there in April last; first saw the vessel there and then; has heard that she was built in America.

He was present at the time of seizure; the vessel was captured for having a slave-deck and a large quantity of water and provisions on board. She sailed under Brazilian colours, and witness never saw any others on board. The name of the captured vessel is "*St. Antonio*;" has never heard her called by any other name. Does not know her tonnage. There were 16 or 17 officers and mariners on board, exclusive of the master; two French, one African, and the remainder Brazilian; all shipped and hired at Bahia by the boatswain, but does not know at what time. Witness himself had no share or interest in the ship or cargo; but he does not know whether any of the other officers or mariners had. Was *captain of the flag* on board. There were only two passengers on board at the time of capture, one was called Don Benito, a Spaniard, who had charge of the vessel, and was the *real captain*. Witness does not know the name of the other, but he was the mate of the vessel. They both embarked at Bahia on the 28th of April last, and were going to the Island of St. Michael, one of the Azores, for emigrants. The present voyage began at Bahia, and was to have ended there. Bahia was the last clearing port, and the vessel did not anchor or touch at any place during the present voyage. He first saw the capturing vessel off the River Congo about six o'clock A.M. on the 7th of May, where capture took place, about eleven o'clock, after a chase of five hours. She was steering for Angola or Benguela at the time of being first pursued. Her course was not altered, and no additional sail was made, upon the appearance of the capturing vessel. Previous to this her course was at all times directed to the place mentioned in the ship's papers. There were two small guns on board at the time of capture, which were brought with the vessel; there was no ammunition. No resistance was made to capture, and there were no instructions for avoiding or escaping from capture, or for destroying or concealing any of the ship's papers. Don Antonio José Barito, of Bahia, is the owner of the vessel; knows it, because he cleared her at the custom-house, and gave witness charge. Barito is a Brazilian by birth, and lives at Bahia with his wife and family, where he has always resided. Witness does not know if any bill of sale was made to the present owner, or what was the price paid for the said ship, or whether any price has been paid, or any security given for the payment. Believes if the vessel be restored she will belong to the before-named owner only. There is no private agreement for the return of the vessel to her former owner. There was no cargo, but merely provisions and water shipped at Bahia for the use of the crew. Knows nothing of any consignee of the vessel which was going to the Island of St. Michael. He does not know what was the cargo on the last voyage, or where it was shipped; there was none on the present occasion. The detained vessel has been carried into no port or place since capture. All the ship's papers are entirely true and fair; knows of nothing to affect their credit. No papers, from the time of leaving Bahia to that of capture, have been destroyed, concealed, or made away with. There are no papers or writings relating to the ship or cargo in any country to the best of witness's knowledge and belief. He does not know if there was any charter-party signed for the present voyage. He does not know if the ship or cargo be insured. The detained vessel was under the direction of the passenger (who was mate), with respect to her employment in trade. Witness corresponds with no one relating to the ship and cargo. No slave has been put or received on board the detained vessel for the purpose of the illegal traffic during the present voyage. The hatches of the vessel are not fitted with open gratings; the combings of the hatchways are not bored, or otherwise fitted to receive iron bolts or bars; there are no iron bolts or bars on board. There are only two divisions below; there are no spare planks on board. There is a slave-deck laid fore and aft; there were no shackles, bolts, or handcuffs on board at the time of capture. He does not know how many water-casks there are on board, but one-half of them is filled with fresh and the other half with salt water. She has no other means of conveying water; has no tanks or staves. Does not know how much water the casks on board might contain, or how much was on board at the time of capture; was supplied with so much water for the emigrants. There were five mess-tubs on board, at the time of seizure, for the use of the crew. There were two iron boilers on board for the use of the emigrants. There were only some farinha (witness does not know how much), some jerked-beef, and two bags of beans on board at the time of seizure for the use of the crew and emigrants."

The evidence given by the boatswain was little else than a repetition of that of the first witness. He alleged that Barreto was the owner, and "*Don Benito*" the real master, *St. Anna* having got charge only on the appearance of the *man-of-war*. He stated also that the vessel was bound to *St. Michael's* for emigrants, attempting to account for her being found in a latitude so far from the Azores by saying she was going to Angola to be repaired.

Publication of this evidence was granted the same day.

On the 9th the surveyors reported that they had found the combings of the main and after hatchways bored for the reception of iron bars.

Twenty-three iron bars, or bolts, having heads at one end and holes for forelocks at the other, fourteen of which were tried and found to correspond with the size of the hatchways and the holes in the combings, forming, when fitted, gratings such as are usual in slave-vessels.

A lower, or slave-deck, laid fore and aft.

A division in the hold, reaching across the vessel, made of planks nailed three inches asunder, and forming a kind of open partition usual in slave-vessels.

Forty-one water-casks, capable of containing no less than 5140 gallons.

Forty mess-kids; thirty-three whereof of tin, and the remainder of wood.

Fifty small paddle-shaped pieces of wood, used for stirring the food in the tins, and as a substitute for spoons.

An iron cooking-place, with three small and two large iron boilers, the latter alone having a capacity of fifty gallons.

Forty-two bags and a large quantity of loose farinha, altogether about 112 bushels. Five bags, containing ten bushels of calavances, in addition to a large quantity of jerked-beef, much more than requisite for the crew.

On the 11th the captor's proctor closed his case, and prayed for a day of trial, which was appointed for the 14th, being the date on which the monition was returnable; when, the Court having met, and having considered the nationality of the vessel, and her equipment for the *Slave Trade*, sufficiently established by the evidence adduced, sentence of confiscation was pronounced on the "*St. Antonio*," her furniture, cargo, and stores, and on the moneys found on board at the time of capture.

(Signed)

G. MACDONALD.
M. L. MELVILLE.

No. 90.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 11, 1842.

YOUR Despatches of the 19th of April and 7th of May of this year's series, on the case of the Brazilian bark "*Ermelinda*," have, by my direction, been referred to Her Majesty's Advocate General for his opinion on the points of difference which arose between you and your Brazilian colleagues in the proceedings had in the case of that vessel subsequent to the decree of release; and I have now the satisfaction to inform you, that that officer has reported, that in the proceedings in question he has no hesitation in expressing his opinion that Her Majesty's Commissioners were perfectly right.

The Queen's Advocate has further reported, that the refusal of the Brazilian Commissioner to admit the affidavit of the prize-officer, in reference to the different items in the schedule of costs and damages presented by da Silva Senna, the master, whom the Brazilian Commissioners had themselves substituted for the former master, and on the admission of whose schedule they had insisted, admits of no justification.

I am, &c.

(Signed) ABERDEEN.

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

No. 91.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, August 17, 1842.**(Received October 22.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 29th of June last, on the subject of proceedings taken by the Commissioners acting on behalf of Brazil in the British and Brazilian Courts of Mixed Commission established here, as communicated to your Lordship in our despatches of the 8th and 20th of January last.

In obedience to your Lordship's instructions now conveyed to us, we will continue to maintain the practice heretofore in force in the Mixed Courts, unless matters arise which shall induce us to believe that the course may be altered with advantage, in which case we will not fail to submit the circumstances for your Lordship's consideration.

We have, &c.

(Signed) M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 92.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Sierra Leone, September 20, 1842**(Received November 17.)*

MY LORD,

WE have the honour to enclose herewith our Report of the case of the brigantine "*São João Baptista*," condemned in the British and Brazilian Court of Mixed Commission on the 14th instant.

This vessel, if credit is to be attached to her papers, was the property of Dona Marianna Francisca d'Assumpção, a resident of Campos in the Brazils, and seems to have been principally engaged in a kind of coasting-trade between Rio de Janeiro and St. João de Barra; latterly, however, the owner, tempted no doubt by the lucrative nature of the traffic, appears to have employed her

in carrying slaves; and whilst on a voyage of that description, and under the command of one Miguel José Gonçalves Vianna, the "*Sao Joao Baptista*" was fallen in with off the coast of Benguela on the 27th of June last by Her Majesty's sloop "*Acorn*," Commander John Adams, who detained her on account of her illegal equipment; but as she had hoisted no colours during the chase, Commander Adams, notwithstanding that he found both a Brazilian flag and Brazilian papers on board, seems to have imagined that the prize was not entitled to any national character; and the whole of her crew having been removed, with the exception of the person found in command, the vessel was despatched to St. Helena, under the erroneous impression that she might be tried by the Vice-Admiralty Court of that island.

The indifferent sailing qualities of the "*Sao Joao Baptista*" prevented her reaching St. Helena, and the officer in charge judged it expedient in consequence to bring her here; she arrived on the 29th of August, and two days afterwards proceedings commenced against her in the British and Brazilian Court of Mixed Commissions, terminating on the 14th instant, as before mentioned, in her confiscation. The irregularity, however, of the course pursued, in producing only one witness from the captured vessel, might have been attended with inconvenient consequences in the progress of the case, and have possibly occasioned much delay in the ultimate decision of the Court.

We have, &c.

(Signed)

M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

Enclosure in No. 92.

Report of the Case of the Brazilian brigantine "Sao Joao Baptista."

Sierra Leone, September 20, 1842.

THE papers found on board the "*Sao Joao Baptista*" were 13 in number.

1. A certificate of registration, No. 136, of the sumaca "*Sao Joao Baptista*," of 103 tons burthen, built at Campos, owned by Marianna Francisco d'Assumpcao, a resident of that place, and commanded by Benito Antonio da Costa; this document bears date, Rio de Janeiro, the 4th of August, 1837. An endorsement, dated the 29th of March, 1838, names as the master Joao Enes Vianna.

2. Imperial passport, No. 240, of the said vessel, owned as before mentioned, and commanded by Joao Enes Vianna, dated at the Palace at Rio the 1st of September, 1840. On this passport are 12 endorsements; 6 of them purporting to be visés from Rio to Campos, dated in March and December, 1840, May and August, 1841, and on the 7th and 16th of February, 1842; the remaining 6 being endorsements of the same description from St. Joao de Barra to Rio, dated in September and November, 1840, and January, May, July, and September, 1841.

3. Official muster-roll of said vessel bound to Campos, with a crew, consisting of the master, Joao Gonçalves dos Santos, the boatswain, Antonio Joaquim de Souza Guimares, and 8 men. There is no mate in the list, nor does the name of Miguel José Gonçalves Vianna, the person found in command at the time of capture, at all appear in this document, which is dated at Rio the 4th of February, 1842.

4. A paper, entitled a "Protest made on board the Brazilian polacre '*Sao Joao Baptista*,' Dona Maria Francisca d' Assumpcao, owner, and Joao Gonçalves dos Santos, master, in her voyage from Brazil to Benguela:" sets forth that the above-named master died of apoplexy on the 23rd of May, 1842; that, the navigation laws providing for the succession of the second officer in case of the master's death, the second officer had been accordingly, though a foreigner (Portuguese), appointed to the command; it being understood, however, that the vessel was proceeding with a licit cargo to Benguela, and was to continue her voyage to that place.

This paper, which is in the handwriting of Vianna, purports to be drawn up by him, and signed in presence of the boatswain and crew, and is accordingly subscribed by Vianna, and by the boatswain and 4 of the seamen, and is dated on board the said vessel the 26th of May, 1842.

5 and 6. Custom-house certificates of the discharge of the cargo of the said vessel, arrived from Campos, dated Rio de Janeiro, the 7th of February, 1842.

7 and 8. Manifest of cargo of said vessel, bound to Campos, and custom-house certificate of same. These papers are also dated the 7th of February, 1842. The cargo is described in the manifest, as consisting of 4 sledge-handles, 80 empty casks, ten bags of rice, 1 of meal, 6 of salt, and 4 of flour.

9, 10, and 11. Shipping lists, signed by Joao Thomas Santos Coelho, Manoel Francisco da Silva, and Manoel da Cunha, of the several articles named in the before-mentioned manifest.

12. A list containing 32 items, chiefly of the nature of "ship's stores," and signed by Manoel José Fernandez Guimares and Co.

All these shipping lists are dated at Rio de Janeiro, the 4th of February, 1842.

13. Receipt for port dues, dated at Rio de Janeiro the 7th and 8th of February, 1842.

The "*Sao Joao Baptista*," commanded by Miguel José Gonçalves Vianna, was fallen in with on the 27th of June, 1842, by Her Majesty's sloop "*Acorn*," Commander John Adams. After a short chase, in which the pursued vessel hoisted no colours, she was detained, and, her equipment for the Slave Trade being manifest, the seizer, it is presumed under the impression that the prize was not justly entitled to any national character, despatched her to St. Helena for adjudication in the Vice-Admiralty Court at

that place. The "*Sao Joao Baptista*," however, being a very bad sailer, went to leeward of the island, and the prize-officer, it appears, finding it impracticable to get to windward, bore up for Sierra Leone, where the vessel arrived on the 29th of August, and was immediately reported by the marshal.

A very short examination of the documents found on board having satisfied Captain Adams's proctor as to the national character of the vessel, her papers were brought into the British and Brazilian Court of Mixed Commission on the afternoon of the 30th, and the usual monition and a commission of survey and inspection were issued from the registry on the following day.

The captor's declaration is as follows:—"I, John Adams, Esq., commander of Her Britannic Majesty's sloop '*Acorn*,' hereby declare, that on this 27th day of June, 1842, being in or about latitude 11° 40' South, longitude 13° 17' East, I detained the brigantine named the '*Juan Baptiste*,' sailing under no colours, not armed with any guns, commanded by the piloto, Miguel Jozé Gonsalves Vianna (her captain having died on the 23rd day of May, 1842), who declared her to be bound from Rio de Janeiro to Benguela *viâ* Campos, with a crew consisting of 13 men, whose names, as declared by them respectively, are inserted in a list at foot hereof.

"I further declare that the said brigantine had on board when detained 2 boilers, a much larger quantity of farinha, rice, calavances, and jerked beef than required for the consumption of her crew as a legal trader; her hatchways being fitted with open gratings, spare plank on board for a slave-deck, and about 60 leaguers full of water; being fitted in every respect for the conveyance of slaves, as acknowledged by the piloto and her crew."

Miguel José Gonçalves Vianna, the person in command of the prize at the time of capture, and the only witness sent up by the seizer, was produced and examined at the registry on the 31st. His evidence was to the following effect:—"That he was born at Lisbon, but is a naturalized Brazilian subject; lives at Rio de Janeiro, and has resided there for fourteen years. Was previously a subject of Portugal. Witness was not appointed to the command of the captured vessel by any person, but took charge on the death of the late captain on the 27th or 28th of May last, in latitude 22° South, longitude 11° West. First saw the vessel at Rio de Janeiro in February last. Does not know where she was built. The name of the late master of the captured vessel was Joao Gonçalves dos Santos. Witness had known him about five months; he was born at Paraibo in the Brazils, where he generally resided with his wife and family. Does not know who appointed the late master to the command of the captured vessel. Possession was given to the said captain at Rio de Janeiro in February last; does not know by whom. Witness was present at the capture of the detained vessel. Does not know why she was seized. She sailed under Brazilian colours, and had no others on board. The name of the detained vessel is '*San Joao Baptista*.' Does not know of her ever having borne any other name. She is about 200 tons burthen. There were 14 officers and mariners on board, exclusive of the late master, half Brazilians and half Portuguese, all shipped at Rio de Janeiro in February last, by the boatswain. Neither witness himself, nor any of the officers or mariners, had any interest or share in the vessel or cargo. Was mate on board. There was no passengers. The present voyage began at Rio de Janeiro (which was the last clearing port), and was to have ended there after having been at Benguela. The detained vessel touched at San Joao da Macahé (a place stated by the witness to be twenty-two leagues to the north of Rio de Janeiro) during the present voyage. He first saw Her Majesty's sloop '*Acorn*' about 11 A.M. on the 28th of June last, in latitude 11° 44' South, and longitude 12° 57' East, where chase began. The detained vessel was taken about thirty miles to the north of Benguela, for which place she was steering when first pursued. Did not make any additional sail or alter the ship's course upon the appearance of the capturing vessel. The vessel's course was always directed to the place named in the ship's papers. There were no guns, arms, or ammunition on board at the time of capture. No resistance was made, nor were there any instructions for resisting or avoiding capture, or for concealing or destroying any of the ship's papers. He does not know who were the owners of the detained vessel at the time of seizure. He does not know if there was any bill of sale made to the present owners, or what consideration was given for the vessel, or whether it has been paid, or any security given for the payment, or, if she be restored, to whom she will belong. There was no outward cargo shipped at Rio de Janeiro, therefore he cannot speak as to any owners, laders, or consignees. The lading on the last voyage consisted of aguadente and sugar. There was no cargo shipped on the present occasion. The detained vessel has been carried to no place since capture. All the papers found on board are entirely true and fair to the best of his knowledge and belief. Knows of nothing to affect their credit. No papers which were on board when the detained vessel left Rio de Janeiro have been destroyed or made away with. Does not know of any bills of lading or papers belonging to the detained vessel in any other country. There was no charter-party signed for the present voyage. He believes the detained vessel is insured for the present voyage, having heard the late captain say so, but does not know at what time, by whom, or where the said insurance was effected. She was under the management and direction of the late captain with respect to her employment in trade. Witness corresponds with no one relative to the vessel and cargo. No stores or any other articles were taken out of the detained vessel at the time of capture, or since her arrival at Sierra Leone. No slave has been put on board the detained vessel during the present voyage. The hatches of the said vessel are fitted with open gratings of wood; does not know for what purpose they are so fitted. The combings of the hatchways are not bored or otherwise fitted to receive iron bolts or bars. There are no iron bars on board. There are two bunks on deck and two divisions below, those of the cabin and fore-castle. There are no spare planks on board. He does not know if there was any slave-deck laid, never having been below. There were no shackles, bolts, or handcuffs on board. There are about 60 pipes all filled with water. There are no tanks or staves. Does not know why the vessel was supplied with the means of carrying so much water. There are about 20 mess-tubs on board; does not know for what purpose. There was 1 large copper boiler on board; does not know the size or for what it was intended. There are 100 bags of farinha, 40 bags of beans, and 20 cwt. of jerked beef on board, for the use of the crew."

On the 1st of September the surveyors made their report, which, however, on account of its uncertainty, had to be returned for amendment, and was not finally brought into Court until the 6th. The substance of the amended report was—

That the vessel was provided with main, cabin, and fore-castle hatchways, the *first* being of the unusual size of eight feet five inches in length, by three feet nine inches in width, and furnished with

wooden grated hatches, which, though of a coarse and insecure description, and not such as are usually found in slave-vessels, were capable of being made available for the purpose of securing slaves below.

That there were also on board planks, spars, and beams, sufficient for a second or slave deck, the greater part of the planks being also numbered and fitted, and cleats nailed on each side of the vessel for the purpose of supporting the beams of a slave-deck.

Seventy-two water-casks, a portion of which were laid in the hold, forming a complete floor fore and aft; the whole capacity of these casks (the greater part of which were filled with water) being 9272 gallons, a quantity far greater than requisite for the use of the crew.

Ten mess-kids, a quantity greater than necessary for the use of the crew.

Three hundred and sixty wooden spoons of a rude description, similar to those frequently found on board slavers, and not such as are used by the crews of vessels.

A large copper boiler capable of containing 68 gallons; and about 240 bushels of calavances and farinha in bags and bulk, two bushels of rice, and about 960 pounds weight of jerked beef; a quantity much greater than requisite for the use of the crew.

The captor's proctor, having prayed for and obtained publication of the evidence, and having closed his case, presented a petition for a day of trial, the monition being returnable on the 6th. Some delay was however occasioned by the illness of both of Her Majesty's Commissioners, and the case did not come on until the 14th, when the Court, having assembled, and the Judges being of opinion that there was clear proof that the "*Sao Joao Baptista*" was equipped for, and engaged in, the Slave Trade, pronounced sentence of condemnation accordingly.

(Signed) M. L. MELVILLE.
G. MACDONALD.

No. 93.

Her Majesty's Commissioners to the Earl of Aberdeen.

Sierra Leone, October 10, 1842.

(Received November 18.)

MY LORD,

WE have the honour to enclose herewith our Report of the case of the brigantine "*Rezolucao*," condemned in the British and Brazilian Court of Mixed Commission on the 8th instant.

This vessel, which appears to have borne originally the flag of Tuscany, was fallen in with off Whydah (being then under Brazilian colours) on the 4th ult., by Her Majesty's brig "*Cygnet*," Lieutenant Wilson, commander, and was captured after a twelve hours' chase, during which it was found necessary to fire at her repeatedly for the purpose of bringing her to.

The prize arrived here on the 29th ultimo; the usual process was issued from the Registry of the British and Brazilian Court on the 1st instant, and, the nationality of the brigantine being undisputed, and her complete equipment for the Slave Trade clearly established, sentence of confiscation was decreed accordingly.

Bernardo Xavier de Castro, the master of this vessel, formerly commanded the Brazilian barque "*Augusto*," condemned here in 1839 for being equipped for the Slave Trade.

The "*Rezolucao*" at the time of her seizure was furnished with Brazilian, Portuguese, and Tuscan flags. She was also provided with a crew of twenty-two persons, all shipped at Bahia, although the official muster-roll accounts for no more than seven, which, as she was only 103 tons burthen, appears an ample complement for a vessel of her description.

We have, &c.

(Signed) M. L. MELVILLE.
G. MACDONALD.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

Enclosure in No. 93.

Report of the Case of the Brazilian brigantine "Rezolucao," Bernardo Xavier de Castro, Master.

Sierra Leone, October 10, 1842.

THE papers found on board this vessel were—

1. Imperial passport, No. 252, of the national brigantine "*Rezolucao*," dated at Bahia the 28th of July, 1842, and signed by Joaquim José Pinheiro Vasconcellos. Annexed is a certificate of registry of the said vessel, bearing the same date, and describing the brigantine as "foreign built," of the burthen of 103 tons, owned by Francisco Laurenco de Souza, a resident of Bahia, and commanded by Bernardo Xavier de Castro.

2. Official muster-roll of the same vessel, dated a day earlier than the preceding document, states her to be bound to Santa Catharina, under the command of the said de Castro, with a crew of seven persons including the master.

3. Receipt for port-dues from the Office of Marine at Bahia, informs us that the "national brigantine 'Rezolucao,' formerly Tuscan brigantine 'Diana,' burthen 163 tons, crew seven persons, master Bernardo Xavier de Castro, bound to Santa Catharina, entered this port from necessity on the 3rd of January of the present year, and intends sailing on the 29th instant."

4. Pass, under seal of the Consulate Office of Bahia (No. 554), certifying that the national brigantine "Rezolucao," bound to Santa Catharina, is furnished with the competent Imperial passport, No. 252, and certificate of registration and nationality, No. 435.

5. Clearance paper (No. 59), from the custom-house of Bahia.

6. Clearance paper from the post-office of Bahia.

All these documents, with the exception of the muster-roll, are dated the 28th of July, 1842.

7 and 8. Two charts, on which the captor's declaration alleges the track of the vessel to have been shown, as well as signed and acknowledged by the master; no signature, however, is discernible on either, and the only tracks commencing from the Brazils, marked upon these charts, all end apparently to the southward of the Line.

The brigantine "Rezolucao," sailing under Brazilian colours, and commanded by Bernardo Xavier de Castro, was fallen in with off Whydah on the 4th of September, by Her Majesty's brig "Cygnet." Lieutenant Edmund Wilson, commander, and detained, after a chase of some hours, during which the pursued vessel was repeatedly fired into in order to bring her to. Brazilian papers and a slaving equipment being found on board, the captured vessel was despatched to Sierra Leone for adjudication.

The prize arrived here and was reported by the Marshal on the evening of the 29th of September. The captor's declaration and the vessel's papers were brought into Court on the following day, and petitions for the usual monition, and a commission of survey and inspection, were granted. The monition was issued on the 1st of October, the prize-officer having failed to attend at the Registry to be sworn on the day preceding.

The captor's declaration is as follows:—"I, Edmund Wilson, commander of Her Majesty's brig "Cygnet," hereby declare that on this 4th day of September, 1842, being in or about latitude 5° 50' north, longitude 3° 0' east, I detained the brigantine named the 'Resolution,' sailing under Brazilian colours, commanded by Bernardo Xavier de Castro, who declared her to be bound from Bahia to St. Catharine's, with a crew consisting of twenty men and two boys; and I further declare that the said vessel is completely equipped for the Slave Trade; that, instead of proceeding to St. Catherine's, which place she cleared out for, she came direct to the African coast, as clearly shown by the track on her chart, signed and acknowledged by the captain in my presence, at the same time stating in the form No. 1 that he was bound to St. Catharine's, and acknowledging her cargo to consist of leaguers of fresh water, farinha, coppers, slave-tins, &c.; the captain, pilot, and boatswain having also declared, in the presence of the officers whose signatures are attached to the document No. 2, that they intended to embark 450 slaves from Piccaniny, Elmina, in the Bight of Benin. And I further declare that the said vessel would not bring-to until after a chase of twelve hours, and being repeatedly fired into; all which circumstances, together with the list of articles enumerated in the document No. 2, with the signatures of three officers of this brig attached thereto, with those of the captain, pilot, and boatswain of the detained vessel, will, I trust, satisfy the Mixed Commission Court that the said vessel is a clear case for condemnation, agreeably to the Brazilian Treaty, setting forth that it is not lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the Slave Trade under any pretext, or in any manner whatever.

"Given under my hand, on board Her Majesty's brig 'Cygnet,' this 6th day of September, 1842.

(Signed)

"EDMUND WILSON,
Lieutenant and Commander."

To the captor's declaration were annexed two documents marked No. 1 and No. 2, which, as connected with the declaration, the Court permitted to be filed, without, however, receiving them in evidence, that being precluded by the circumstances under which they had been obtained.

No. 1.

Tiempo.	Latitude.	Longitude.	Bandeira.	Nombre del Navio.	Nombre del Dueño.	Nombre del Capitan.	Donde Viana.	Onde Via.	Onde Pertenciente.	Toneladas.	Canones.	Cargaison.	Nombre Consignatono.	Residencia del Dueño.	Residencia del Capitan.
September 3, 1842.	5° 50' N.	3° 0' E.	Brazilian.	Rezolucao.	Francisco de Souza.	Bernardo X. de Castro.	Bahia.	Sta. Catharina.	Bahia.		None.	Leaguers, firewood, coppers, and farinha.	Captain.	Bahia.	Bahia.

(Signed)

JOHN W. MINTOSH HALL,
Boarding Officer.

(Signed)

J. W. N. BURNETT, *Witness.*
BERNARDO X. DE CASTRO, *Capitan del Navio.*

No. 2.

" We, the undersigned, do hereby declare that the following list of articles were found and seen by us on board the Brazilian brigantine '*Resolution*,' when detained by her Majesty's brig '*Cygnets*,' on the 4th of September, 1842; and we further declare that the said vessel is to all intents and purposes completely fitted as a slaver, and that the captain, mate, and boatswain did declare in our presence that they intended to embark 450 slaves from the African coast.

" List of articles in the equipment of the Brazilian slaver '*Resolution*.'

" Leaguers of various sizes, containing upwards of 20 tons of water	28 in number.
" Popoe-tubs	8 or 10
" Slave-tins, large and small	80
" Hatch-bars used for confining the slaves in the hold	19
" Large slave-coppers	1
" Bags of farinha for feeding slaves	60
" And a great quantity of jerked beef	
" Suckers used by the negroes	4

" A great quantity of mats, sufficient to form a platform over the water-casks right fore and aft of the hold.

" A very large galley or cabouse, with coppers sufficient for cooking provisions for three or four hundred negroes.

" Two tubs for washing negro children.

" About four leaguers in shakes.

" Given under our hands this 6th day of September, 1842.

(Signed)

" JOHN W. M'I. HALL, *Second Master.*

" R. J. S. LITTLE, *Clerk in Charge.*

" CHARLES PARSONS, *Master's Assistant.*

" I hereby certify that this document has been drawn up, signed, and delivered to me, without any fraud whatever.

(Signed)

" EDMUND WILSON,

" *Lieutenant and Commander H. B. M.'s brig 'Cygnets.'*

September 6, 1842.

" In witness to this statement we hereby sign our names

(Signed)

" BERNARDO X. DE CASTRO, *Captain,*

" JER. CARLOS SALVI, *Pilot,*

" JOAQUIM FORTUNATO RAMOS, *Boatswain,* } *Brazilian*
brigantine
'Resolution.'"

The witnesses Bernardo Xavier de Castro, master, and Helario Garcia, cabin-boy of the "*Rezolucao*," were produced and examined at the Registry on the 3rd instant. The former deposed to the following effect:—" That he was born at Bahia, and has always resided there. Is a subject of Brazil, and has never served any other state. Is married, and his wife and family live at Bahia. He was appointed to the command of the detained vessel by Don Francisco Laurengo de Souza, who lives at Bahia, and is a Brazilian subject. Received possession there on the 29th of July last from the said Don Francisco Laurengo de Souza. First saw the captured vessel at Gibraltar ten years ago. Does not know where she was built. Witness was present at the time of capture. Does not know why the vessel was seized. She sailed under Brazilian colours. There was also a Portuguese and another small signal flag on board. The captured vessel is called "*Rezolucao*;" she has borne that name since the 29th of July last; previous to that time she was called "*Diana*." She is 75 tons burden. There were seven officers and mariners, exclusive of the master; all Brazilians, with the exception of the mate, who is a Genoese. They were all shipped at Bahia by witness in July last. Neither witness himself nor any of the officers or mariners had any interest in the vessel or cargo. Was master on board. There were no passengers. The present voyage began and was to have ended at Bahia, which was the last clearing port. Has touched at no place during the voyage. First saw the capturing ship at two o'clock p.m. on the 3rd ultimo, in latitude 3° 33' north, and longitude 1° 52' east, where chase began. Capture took place about 18 miles to the north of Whydah. The captured vessel was steering for Whydah when first pursued. The ship's course was not altered or any additional sail made on the appearance of the man-of-war. Her course was always directed, when weather permitted, to the place named in the ship's papers. There were no guns, arms, or ammunition on board the captured vessel. No resistance was made to capture, nor were there any directions for resisting or avoiding capture, or for destroying or concealing any of the ship's papers. The owner of the captured vessel is Francisco Laurengo de Souza, a Brazilian by birth and allegiance, and who has always lived at Bahia. Knows this from the passport, and by his having given witness charge of the vessel. Does not know if any bill of sale was made to the said owner, or what price was given for the vessel. Believes, if restored, she will belong to the person he has named, and to no other. Does not know of any private agreement for the return of the vessel to a former owner. There was no cargo shipped at Bahia, therefore he cannot say anything as to laders, owners, or consignees. He does not know of what the cargo on the last voyage consisted, or where it was shipped. There was none on the present occasion. The captured vessel has been carried to no place since capture. All the papers found on board are entirely true and fair; knows of nothing to affect their credit. No papers which were on board the detained vessel when she left Bahia have been destroyed or made away with. Does not know of any papers relating to the vessel in any other country. There was no charter-party signed for the present voyage. Does not know if the detained vessel be insured. She was under the management of witness with respect to her employment in trade. Witness corresponds with no one respecting the concerns of the vessel and cargo. No slave has been put or received on board the detained vessel during the present voyage. The hatches of the detained vessel are not fitted with open gratings. The combings of the hatchways are not bored or otherwise fitted to receive iron bolts or bars. There

CLASS A.

are eight flat iron bars on board, but not fit or intended for securing the hatches. There are only two bunks on deck and one division below. There are no spare planks on board. There is no part of a slave-deck laid. There were no shackles, bolts, or handcuffs. There are 25 pipes, which were nearly all filled with water at the time of capture. The detained vessel is not supplied with any other means of conveying water. There are no tanks or staves. Witness cannot tell what quantity of water the above number of pipes will hold. Was supplied with so much water for the use of the crew. There are 16 mess-tubs for the use of the crew. There is one copper boiler of a middling size for cooking for the crew. There are 6 bags of rice, 20 of farinha, 5 of Indian corn, 10 of beans, and 300 cwt. of jerked beef, for the use of the crew."

The examination of the cabin-boy, Hilario Garcia, afforded but little information. He could not even say what was the name of the captured vessel; was entirely ignorant of that of the owner; and knew only that the master was called "Bernardo." In contradiction of the master and the muster-roll, however, he asserted that there were 21 officers and mariners, exclusive of the captain, who had shipped the whole of them at Bahia; and respecting the large copper boiler and the great quantity of provisions found on board, which the master had alleged were for the use of the crew, Garcia stated that he did not know for what purpose they were intended.

On the 3rd the captor's proctor presented a petition stating that the brigantine was in a very leaky state, in consequence, it was supposed, of the shots which had been fired at her, and praying that the marshal might be directed to land the provisions and other bulky articles for the purpose of lightening the vessel, which was accordingly granted.

The surveyors returned their commission into Court on the 6th, and reported that they had found a passage from the round-house to the after-hold, in addition to the main, after, and fore hatchways.

Nineteen flat iron bars with holes at each end, found to fit the after and main hatchways, and sufficient for securing slaves below.

No slave-deck laid, but a complete flooring of water-casks; and

One hundred and twenty-five soft coarse mats, suited for spreading over the water-casks for the slaves to lie upon.

Twenty-seven leaguers and other water-casks capable of containing 6449 gallons, and having in them about 4300 gallons of fresh water, a quantity far greater than requisite for the use of the vessel; also five bundles of staves and hoops, sufficient for three leaguers and two smaller casks.

Thirty-three mess-tins and seven tin cups.

A large copper boiler capable of containing 108 gallons.

About 95 bushels of farinha in bags and bulk, and 70 bushels of Indian corn, calavances, and rice, besides about 550 lbs. of jerked beef, in addition to eight casks of salt provisions.

Publication of the evidence having been granted, and the captor's proctor having closed his case and prayed for a day of trial, the 8th (being the day on which the monition was returnable) was appointed for that purpose; when the Court having assembled, and the evidence establishing the Brazilian nationality of the "*Rezolucao*," and her complete equipment for the illicit traffic in slaves, having been read, sentence of confiscation of the said brigantine, her cargo and stores, was pronounced.

(Signed)

M. L. MELVILLE.
G. MACDONALD.

HAVANA.

No. 94.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, December 10, 1841.

(Received January 28, 1842.)

MY LORD,

IN our last Despatch, dated the 25th of November, we had the honour to report the circumstance of the different corporations in this island having been called upon, by the Captain-General, to return their views and opinions on the project of the new Treaty proposed by Her Majesty's Government to that of Her Catholic Majesty, for obtaining the liberty of the negroes brought here into slavery since the year 1820.

We have now the honour to enclose your Lordship copies of the replies to the Captain-General made by the Royal Association for the promotion of Agriculture and Commerce, and the Patriotic Society, being the two most influential corporations of this city, and so numerous as to exempt their opinions from the character of being those of individuals; by which your Lordship may be the better able to judge of the opinions entertained here on these subjects. In these, and in all the other replies, foreign interference is strongly deprecated; but we are glad to find that all concur in asking for the abolition of Slave Trade, and the strict observance of the Treaties of 1817 and 1835. Indeed, we believe, we may say confidently, that the Slave Trade here has no other advocates than those interested in it, including in that account those officers of the Government who share in the bribes given them by the dealers to obtain their connivance.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

First Enclosure in No. 94.

(Translation.)

Report of the Junta de Fomento.

THE Island of Cuba, fortunate till now, has never seen itself threatened with a danger so imminent and disastrous as that which now has filled with consternation and fear the mind of its peaceful inhabitants. When, in the year 1811, the fervour of political and humane principles, and the inexperience of some members of the Extraordinary Cortes, induced them to propose certain legislative measures for effecting gradually the emancipation of slaves, though it was a great extremity for us, we had not encompassing us millions of free persons of colour, nor had we in our bosom 500,000 or 600,000 individuals of the same class, nor had a powerful, persevering, and astute nation declared itself their ally and protector; in fine, that did not pass beyond a domestic question, and the triumph of reason, of justice, and policy, could not be doubted. In what a different situation we now find ourselves! It is now proposed to break at one blow the chains which bind the slaves to their masters, and it is sought to cover this attempt with the sacred forms of justice. Masters and slaves are to appear before a species of final judgment, in which England will discharge at the same time the part of accuser of the former, the attorney and defender of the latter, be the arbitress, judge, and executioner. And to consummate this destroying project, she aspires that Spain should render herself dumb respecting civil and fundamental laws, that she should associate herself with vileness instead of dignity; that she in fact give up the sovereignty of the island, that she sign voluntarily her degradation, and present herself giving the world the most melancholy example of abnegation of her honour and independence that perhaps history has seen.

Under such solemn circumstances, all men, called from their position to inform the conscience of the Government, ought to express with noble frankness their opinion; and it is this consideration has determined the informants to undertake a commission, arduous, and in all respects felt very superior to their powers. To discharge it with possible certitude, they have studied, and meditated, and heard intelligent persons of all classes and pursuits, and above all consulted public opinion, that opinion

which has been pronounced unanimous, compact, weighty, though as always prudent and reserved. The Commission in reality has done nothing more than put it into form and be its organ, in order that it may deserve the assistance of the Junta, to be transmitted by that of our chiefs to the Supreme Government.

The Commission then will enter on the subject, and, proceeding to fulfil the task which the Most Excellent the Captain-General indicates in his official communication of the 12th ultimo, with which he transmits the project of the Treaty, will examine the question, 1st. Under its legal aspect; 2nd. That of political economy; and will conclude with some general considerations that it judges of the highest importance.

In examining the project of the Treaty, the first question that naturally arises is, on what principles, under what rights does the British Government found so extraordinary a pretension? Is it by any chance in the Treaty of the 23rd of September, 1817, or in that which, with the title of additional, was entered into the 22nd of July, 1835? Let us examine this question.

In the Congress of Vienna in 1814, the plenipotentiaries of the great powers that composed it declared, that the trade in slaves is repugnant to the principles of humanity and of universal morals, and that their respective sovereigns ardently desired to put an end to a calamity which desolated the coasts of Africa, degraded Europe, and afflicted humanity. This declaration did not go beyond a simple recognition of a moral principle. The sovereigns who made it obliged themselves to nothing, as respecting one another, and then at most it signified that each one judged himself, as a duty of conscience, to prohibit in his dominions the trade in slaves, reserving to himself freely to determine the period, and the rules that for its verification might be believed proper to appoint. The plenipotentiaries of England were the authors of this article, but in the understanding of her statesmen it had no other importance than that which we have indicated. When, on the discussion of the Bill proposed by the English Minister to assimilate the traffic, which even their subjects had, to piracy, some deputies who supported it argued, that the Congress of Vienna ought to declare, by a general rule of international law, that the traffic was in effect a crime of that class, Mr. Canning, though the author of the law, could not hear tranquilly such political blasphemy, and hastened to declare that England would be the last of all the nations of the world to recognise in any Congress, or in any alliance whatever (were his words), the right to make universal laws obligatory on all countries. What we would desire, added the illustrious Minister, is that each State of its own will should declare the traffic in slaves assimilated to piracy. Until now we have not obtained it of any European Power, who in the same way resist acceding to the mutual right of visiting the vessels suspected of such traffic. (Session of the 16th of March, 1824.)

But their Government, determined already to put an end to it, from motives which it is not for us now to discuss, the declaration was always in their hands a most useful document for negotiating with the two nations that it most interested them to separate from the traffic, and who by their particular circumstances were less than ever able to make a decided opposition to their exigencies. The British Cabinet obtained from ours that, in an additional article to the Treaty of the 5th of July, 1814, it is expressed as a consequence of that declaration that, "Being" (here the article). This article had a character as general and as vague as that of the Congress of Vienna. The King, Don Fernando VII., reserved to himself the power annexed to his sovereignty of putting end to the traffic when he should judge it fit, and would not yield in weighty evil to these countries, and he only obliged himself formally to prevent that, by his subjects, or under the protection of the Spanish flag, slaves should be introduced into foreign colonies.

However, for England the article had other importance: it could be the preliminary of a negotiation, and that sufficed for her designs. These the circumstances of the epoch efficaciously favoured. The King acknowledged himself in a certain manner debtor to the forces of those English for the possession of his throne. He found himself moreover engaged in war with the insurrectionary colonies, and it was greatly his interest not to displease a nation naturally inclined to favour, and even to encourage, the endeavours for independence of the inhabitants of those provinces; in fine, the Treasury was exhausted, and without resources to make front to that war, and other great urgencies of State. England was able to facilitate them, and the impolitic Treaty of the 17th of September, 1817, was adjusted.

But its only, its exclusive object was, to put end to the traffic in slaves which the subjects of either nation might have. For this effect it was stipulated, 1st. The right of mutual search of merchant-vessels by the two Royal Navies; and 2nd. That they might make captures of those found with negroes on board proceeding from the coasts of Africa, and bring them to the places where should exist the Mixed Tribunals, which were to be appointed with the limited duty of deciding on the justice or illegality of those captures. Beyond then the cases of prizes made at sea the Treaty was silent, the authority of the Mixed Tribunals ceased, and each nation naturally reserved to itself the right to judge by its ordinary tribunals, and conformably to general or particular laws, what related to the case of complaints that might arise from the clandestine introduction of some Africans. Fifteen years had passed since we began on the part of Spain, with her proverbial fidelity, to fulfil this Treaty, when, with the object of making it more efficacious, that of the 22nd of July, 1835, was adjusted and concluded. The sole existence of this new Convention proved, that in the opinion of the High Contracting Parties the former one had not been attended with so full an effect as was desired. They doubtless believed it violated, and that, notwithstanding the forces of either Government, some Africans had been introduced in their respective colonies. But although the right of capture was amplified, extending it also to cases where they might have only simple and very weak suspicions that the vessel might be employed in the traffic (without regard to the violence and damage to which the merchant marine of the weaker nation was subjected), it continued to maintain a profound and absolute silence, not only respecting the Africans who until then might have been clandestinely imported, but also with respect to those who might be in future, by a consequence forced from the immense gain that such a commerce gave. This silence was not the child of forgetfulness or omission, but the result of the nature of the Treaties themselves, a rigorous consequence of the maxims on which rest the independence of nations, which it assuredly was not the mind of Spain to compromise, more than already was compromised in such a miserable negotiation. From the moment that vessels employed in the clandestine trade in slaves succeeded in mocking the vigilance of the cruisers, and depositing their cargoes on shore, the question, English and Spanish, absolutely changed its character and aspect. There is no capture, no matter for proceedings determined by the Treaty, which cannot be extended to other cases than those strictly determined in it. If there be any offence, any vicious or illegal act consummated, as on land, it is to be judged and decided by the laws and by the ordinary tribunals of the nation to which belongs the terri-

tory. These truths require no commentaries; their proofs are in the Treaties, their force in their peculiar sincerity.

England then cannot found her pretensions to a new treaty either in the letter or the spirit of those existing; nor is the object which, in proposing it, she has in view, certainly sufficiently powerful, for that our Government should determine itself to violate civil and fundamental laws, complete the sacrifice of its dignity and independence, and resign itself to lose for ever one of the richest and most important ornaments of the beautiful crown of Castille. In effect, in the project of the treaty there is an inconceivable ignorance or disregard of the force of possession of that fundamental basis of all property and all social order. The quiet possession of one, ten, or twenty years is an insignificant matter for the treaty, even though it may rest in a lawful title of purchase, inheritance, &c., because the possessor nevertheless is to be obliged to prove that the slave is of an introduction anterior to the month of October of the year 1820. Whenever was there seen such a scandalous forgetfulness of the maxims of universal justice? Property attacked in its two vital principles, which are possession and title, and the masters compelled to produce a proof, always difficult, and which oftentimes would be impossible, slavery in fact would be destroyed. The spirit of inquietude and insubordination, that would be assisted among the slaves, would make its continuance useless and dangerous. To alienate them would for the same reasons be impossible, and even if it could be effected that where they exist, 200 or 300 freed persons, there should remain in slavery an equal or less number of individuals of the same colour, of the same origin, and who would not comprehend the motives of so overwhelming a difference; the whites themselves, if they should be able to survive such a revolution, would hasten to part with so troublesome and offensive a property.

But there are yet more weighty the legal objections arising to the Convention, in considering that it is sought, not only to deprive the present possessors of slaves of the just guarantees that the civil laws give them, but it is also sought that they be judged by a tribunal composed partly of strangers, by special rules dictated with an object to make all defence impossible, and that would aggravate the melancholy condition of those who have to struggle in so disadvantageous a ground. The Commission has consulted history, and has found no notice of any independent state that has yet consented to have erected, in her bosom, tribunals composed of foreigners, to judge the natives on civil and criminal questions for acts committed in its territory. It has seen examples of people who have come to lose their independence submitting to a fortunate conqueror; but to stipulate and obtain always, even from the most barbarous and ferocious, the preservation of their laws and privileges, and the right of being judged by natives. Testimonies of this truth spring forth in the annals of modern and ancient nations; and those of our Spain are especially most abounding in this class of events. The Romans and the Goths, the Arabs and Bonaparte, always respected a principle, which the most accredited publicists now view as a maxim of international law (Burlamaqui, part 4, c. 8; Vattel, lib. 1, cap. 7), that has moreover the character of a fundamental law of our society. It was always so in Spain, that the inhabitants could not be judged except by natives of the kingdom, and not out of them (Sey. 2, tit. 4, lib. 7; Norma Recap. y 3, tit. 10, lib. 3, del orden. Real), and by the national codes and laws. And so jealous did our ancestors show themselves of the preservation of this right, as attest the multitude of petitions of the Cortes, and the various legal dispositions, all directed to prevent foreigners, even when they were settled, and might discharge some offices, should never be able to exercise judicial functions. Spaniards were prodigal of their blood, when their complaints and representations were not sufficient to sustain the inviolability of their laws, the true and only guarantee of civil liberty, and there was certainly no other origin of the just and celebrated rising of the communities. More, it would be unheard of and opprobrious for the nation, the erection of a tribunal composed of strangers, to judge us on a question so domestic in its essence by other laws than Spanish, by other judges than Spaniards, would mark out the utmost limits of vileness, that this tribunal and the rules which had to guide it, should come to be applied to deeds effected twenty years previous to its existence. It is a maxim of universal justice, delivered over and sanctioned in our codes, "that laws ought not to have retrospective effect" (Sey. 5, tit. 5, lib. 4, Furo Real). No Spaniard, says an article of the present condition of the monarchy, "shall be proceeded against or sentenced, except by a competent judge or tribunal, in virtue of laws anterior to the offence (Tit. 1, art. 9); and although it might be argued that this code does not comprehend these colonies, it is easy to reply that that is only in relation to the system of its government, but that always they have favouring them certain general principles, that, like the one just transcribed, are applicable to every society regularly organized. In fine, a feeling of just indignation will involuntarily fill the mind, in analysing the rules which are to guide the Mixed Commission in the maintaining and deciding of some questions, which, although in appearance they will only have to effect a certain number of individual interests, will in reality comprehend all the proprietors of negroes, and embrace in their disastrous consequences the entire fate of these islands. In effect, the briefest instruction, simple declarations sworn without other means, without redress, without allegations, will suffice to bear, without appeal, upon the property, and even on the life, of half a million of individuals, and to condemn them to a perpetual silence. This mode of proceeding, more executive, more expeditious, than that of all the tribunals and commissions of blood of which history has transmitted us notice, will appear still more frightful if we consider, first, that accusation, espionage the most vile, will be implicitly authorised, and that they will be without doubt encouraged and rewarded with English guineas; and, second, that the proceedings will be founded upon simple suspicions. What an admirable system of administering justice in a matter so grave! And to what hands are to be confided those rules, sufficient of themselves alone to awake a terrible alarm in minds the most careless and confiding, even when justice itself falls to the earth, to be their executor? The Commission, Most Excellent Sir, cannot certainly find expressions to paint the anxiety, the grief, the despair, which the idea engenders in all minds, of that some fanatical Methodist, determined to sacrifice everything to the triumph of his doctrines, or some hypocrite, still more dangerous, and one or other zealous agent of the dark projects of his Government, will be at the same time the judge, the accuser, the instigator of the slaves, and the executor of the iniquitous judgments that may be pronounced. What justice will the unhappy masters be able to hope for of such judges? What hopes will they have of redress, when their sentences are to be without appeal, and they free from all responsibility, moral and legal? And will it be hoped that 500,000 individuals should daily assemble, tranquil and unmoved, to hear the sentences of death that may be dictated against them? This is not, Most Excellent Sir, the age of voluntary martyrs; and to execute the treaty, it will be necessary to conclude another at the same time, permitting a British army to take possession of the island. England always recognised (and how not to recognise it?) that in forming the treaties Spain had not compromised the

right of judging, by means of its ordinary tribunals and in accordance with its laws, the questions which might arise of the fraudulent introduction of some Africans. In the different notes which the Cabinet of St. James's addressed to that of Madrid, calling its attention to some of those frauds, it always limited itself to requesting that the zeal of those authorities might be excited to redouble their vigilance, and adopt measures efficacious to put an end to the evil; but it never aspired to interpose in a peculiar business of the interior policy of the nation. Our Government, for its part, dictated becoming orders, and among others issued that of the 2nd of January, 1826, which of itself would suffice to put an end to all discussion on the matter. In that was adopted the proper precautions for ensuring that the vessels proceeding from the coast of Africa had not been occupied in the trade in slaves. It declared that the President Governor, with his assessor, should exclusively have cognizance of those affairs; that he should admit denunciations respecting negroes introduced, who should be immediately declared free, and the purchaser of them fined 200 dollars for every one of them that he had acquired. In fine, to make more efficacious those dispositions, it interposed the sacred authority of religion, and exhorted the Most Reverend the Archbishop of Cuba, and the bishop of this diocese, that they, through the conduct of the parochial clergy, should instruct the faithful of the crime they would commit by infringing the law. What more could be done on the part of Spain? No nation, however great may have been its maritime resources, however strong and decided its will to put an end to the traffic, succeeded in seeing it cease with the promulgation of the law that prohibited it. In the United States it continued for much time after the abolition, and would continue, perhaps, if opinion and interest itself, more than the precept of the law and the forces of the Government, had not condemned it. The French colonies should have seen it totally expire in the year 1819; however, it is an incontestable fact, that until the year 1831 it was carried on with great activity and extension, without its Government manifesting anxiety to prevent it. And by any chance can England, with her thousand vessels of war, boast of having prevented the clandestine introduction of slaves into her colonies as soon as she passed the Bill of 1807 which prohibited the traffic? No, certainly. Interest mocked the vigilance of the cruisers, and the colonies provided themselves with new labourers. Wilberforce, Buxton, and other ardent protectors of the Africans, clamoured incessantly in Parliament against the infraction of the law; the press and opinion denounced it in the same way, and then was passed in 1814 a Bill, condemning to fourteen years' transportation, or five of hard labour, those who should be convicted of engaging in such commerce. But this law for certain did not put an end to it, and in the year 1825 it was necessary to promulgate another, assimilating the traffic to piracy. But it is to be observed, that, in spite of the deep persuasion which the abolitionists had of there having been introduced a considerable number of Africans in contravention of the law, it never occurred to them, not even to the most extreme (exaltado) and fanatical, the desolating project of opening judgment between those individuals and their possessors, to judge them without forms of process, by executory commissions, and to accelerate the ruin of the colonies. They adopted proper measures to avoid the evil, but they had no recourse to another of consequences most fatal. They thought of the future, but policy was not able to attack an existing situation, which had in its favour the sanction of time, and which, in case of wishing to scrutinise, would expose the colonies to frightful perils.

And will it be right to exact that Spain should consent in these colonies to a search, which powerful England, in the greatest effervescence of her humane principles, did not dare to make in her own? The Commission has hitherto limited itself to demonstrating, first, that the pretension of the English Government wants all just foundation; and, second, that, to accede to it, it will be necessary for the Government to let go one of the most important attributions of its sovereignty, abjure its dignity, stifle the noblest feelings of the heart, infringe the civil and fundamental laws of the state, rescind the most evident maxims of universal justice and international right; and lastly decide, in reward of our loyalty, to deliver us, bound and unarmed, to be judged by the malevolence of some foreigners, and sacrificed by the revengeful fury of some savages. It is now time to indicate what would be the immediate consequences of the treaty.

As soon as its existence was made public, and in virtue of accusations, or of suspicion, some declarations of liberty were made, the news, which would assuredly have rapid vehicles, would spread from one extreme of the island to the other. Inquietude would take possession of the minds of the slaves, whom it certainly would not be easy to make understand the extent and limits of the Treaty. New examples of emancipation would go on engendering insubordination—insubordination would occasion mutinies—mutinies open rebellion—and the fatal convention would scarcely have begun to be fulfilled before blood would run through our fields, previously the asylum of labour and quietness. It is necessary not to know the magical effect which the word liberty produces, to suppose, as is supposed in the preamble preceding the project of the Treaty, that the declarations which the Commission might make for individuals would not be dangerous. No one is ignorant of the impression which a freed person, who owes his liberation to any of the legal methods established by the humanity of our laws, causes in the mind of the slaves. Object of envy and of inquietude, he comes to awaken in them ideas delightful, though at the same time fallacious, of a state more happy than theirs, and these ideas unfortunately are so much the more seductive as respects the negro, as every savage centres supreme felicity in the ease and undefinable attraction of a wandering life, mixed with, according to the expressions of some poets, the sweet illusions of the solitude of the desert. And the English Government certainly will not be able to disown the force of these truths. The history of their colonies abounds in bloody examples of the terrible echo which the lightest motion made in Parliament had in the spirit of the slaves, whether with the object of terminating at one time the illicit traffic, or that of introducing some improvements in their condition. When, with the object of moderating the harsh rigour of the power of the masters, and improve the moral character of the slaves, Mr. Canning, in the year 1823 (15th May), proposed a series of measures full of prudence and wisdom, the negroes of Jamaica and Demerara lifted up the banner of rebellion, alleging that they were now free, and that the colonists, contravening the orders of the King, kept them in slavery; and it was necessary to proclaim martial law, and execute some hundreds of those deluded people. The same scenes presented themselves again when the bill for assimilating the trade to piracy was discussed, and every motion, every step, that was made in this grave business, opened in the colonies the sepulchre of a hundred proprietors and of a thousand slaves. The spectacle of a considerable number of negroes declared free has been, in all places where slavery has existed, a cause of jealousy and insubordination for those who were their companions in labour and servitude, and of trouble and ruin for the proprietors. When the celebrated minister to whom we have referred proposed the bill of piracy, resisting the pretensions of some abolitionists who desired to treat of emancipation, after showing that, upon the cession of the island

of Trinidad, that place had been chosen as the most appropriate for practising the means of progressively civilising the negroes, he expressed himself in these terms:—"We have not wished to declare the children that may be born free, because this measure would have produced jealousies among the negroes. Further liberty ought to be acquired by man, as any other good, by a succession of efforts rightly directed. Liberty acquired by means of a constant industry, such is my deep conviction, is a benefit much more positive and more solid than a liberty suddenly proclaimed." However few might be the cases which should present themselves of negroes introduced since the year 1820, they would be sufficient to awake the jealousies of the true slaves, to kindle in them the desire of enjoying an equal lot with those who, until then, they had considered of the same condition, and, under this consideration, our situation would be much more grave and dangerous than if it were proposed to give liberty to those who should be born. Incapable some of recording the period of their immigration into the island, anxious others to enjoy what they saw so many others attain with facility, and all instigated, (for how have there failed of instigators?) there would not perhaps remain a single slave who would not promote a litigation in which, without any hazard, he would be able to obtain so immense a triumph. In this unequal and fatal contest for the masters, they would rely on the favourable dispositions of the Commission, they would rely on their protection to elude every punishment in case of not obtaining a favourable decision, and they could rely, in fine, on the sympathies of the formidable mass of liberated persons which already exists, and which would receive a reinforcement so much the more effective, as that those who may compose it would preserve more latent those sympathies, more fresh and active the desire of revenge, and all their passions fierce and antisocial. The first result of the Convention would be to open a species of universal judgment between all the slaves and all the masters. Two or three hundred negroes contesting in the judicial arena for their liberty, to dispute afterwards in another more bloody, the properties and dearest pledges of our affections, and the dominion and lordship of this country, to which it appears fate had reserved a better lot. Such would be, there is no doubting it, the spectacle which the island would offer. Excited one time the love of liberty in the negroes, the moral influence of the prestige weakened by the contests with the masters, instructed perhaps of the secret of their strength by their humane protectors, who would contend with them? What power could reduce them again to the tranquil habits of obedience and labour? Santo Domingo, Sierra Leone, and Jamaica, all the English colonies will respond with the irresistible eloquence of facts to these terrible questions.

Let us set aside, if it is wished, the view of the most horrid picture of misery, barbarism, and degradation, which the first offers at the end of 40 years of tranquillity, and of being in contact with industrious and civilised people, because perhaps it would be argued that emancipation was there an event casual and unpremeditated, and let us fix it on the others, with so much greater conviction of drawing solid and profitable lessons, as in those were grasped all the resources of human prudence to prepare that great event, and to convert it into utility to the colonies and to the mother country itself, at the same time that they caused to triumph their beautiful principle of humanity and morals.

The establishment at Sierra Leone had for its principal and almost exclusive object, to instruct the negroes in the Christian religion, and in the arts and customs of Europe, and that it might be a focus of civilization, whose rays might penetrate to the surrounding tribes. Slavery never existed there; and thus it is that is wanting one of the great causes to which the advocates of abolition attribute the sterility of the attempts made to moralize the negroes. Twelve hundred of those who had embraced the cause of the mother country in the war with her colonies in the north, were the founders of this model establishment (in 1792), and that number was successively augmented with the captures made of our vessels, of the Portuguese, and of the English also; and the coloured population in 1831 amounted to 38,627 individuals. England has been prodigal of her treasure and of the blood of her sons, that the essay might produce the results sought for. To 110,000,000 of dollars did the costs amount, made on account of this establishment from 1807 to 1831, and what have been the results of such immense sacrifices? (8,000,000. See M'Culloch's "Dictionary of Commerce," Article "Sierra Leone.")

Let us hear an English writer, justly celebrated, and whose authority certainly cannot be suspected by the partisans of emancipation. After indicating the attempts made by the Government to inspire into the negroes habits of order and love of labour, the profound M'Culloch expresses himself in these terms:—"We are sorry to add that all these sacrifices have been manifestly fruitless. There is, without doubt, much difference in the notices relative to the progress made by the negroes, but it is sufficiently clear that they have been of very small consideration, and we do not believe that other results can rationally be hoped for." If it be possible, yet more disconsolatory have been the English attempts to civilize the slaves of the colonies and prepare emancipation. They cut down and moderated the power of the masters; they prohibited whipping, they encouraged the spirit of family, basis of all civilization, stimulating marriages; they conceded them a peculium, which before they had not, and the right of making wills; they established two bishops, one in Jamaica and the other in the Windward Islands, to bring them to good dispositions and imbue them with the sacred precepts of religion, maxims of morality and order; finally, they passed the Bill of Apprenticeship, in order that, by a mild and graduated transition, they might pass from servitude to the complete enjoyment of liberty which was secured them; and what have been the fruits of so many years of preparation, of such exquisite cares? What does Jamaica show us, rich and flourishing a few days since, fearful rival of this island for the amount of its productions in sugar and coffee, and for the advantage it bore under different respects? Your Excellency, the nation, the whole world knows it: misery substituted for abundance, and even opulence; assassinations, robberies, incendiarism, desolating those fields before cultivated with so much diligence and intelligence; the products in sugar and coffee diminishing to the point of giving occasion by their scarcity to serious disturbances in the mother country itself. In one word, the abandonment of all labour to the extreme, truly and inconceivably to occur in this island and Porto Rico, for the plantain, that bread of the Antilles, and favourite food of the negro. Beautiful results of emancipation!

If the deplorable state to which the British colonies have attained require proofs, a recent and scandalous fact of the policy of their government will resolve all doubt. In the month of February of this year sailed from the Thames Mr. Barkley, member of the Legislative Council of Jamaica, armed with permission from the Government to take to that island, under the specious title of labourers bound for fifteen years, but in reality to be slaves, thousands of negroes from Sierra Leone and other parts of the coast of Africa. And what have by any chance disappeared or diminished the labourers who maintained agriculture in this flourishing and active island? Does there not exist the same number

and even perhaps a greater coloured population than at the ceasing entirely of slavery in 1834? But the negroes were not prepared for emancipation. With subordination and respect to their masters they lost the habits of order and labour, the easiness of satisfying the single necessity of feeding themselves coarsely in a fertile country, augmented their misery and want of forethought; and England, undeceived as to having sacrificed her colonies uselessly and dreadfully, and that she has already to see herself obliged to complete the sacrifice, by reducing the duties on sugar and coffee, to satisfy the very just exigencies of the mother country, has recourse, though too late, to a palliative which puts her in contradiction to herself, and which involves an open infraction of the Treaties entered into with Spain. This infraction is palpable; the greater part of those negroes were those found in the captured vessels of our merchant marine, and those who had last been taken from some factories belonging to Spaniards, burnt by the English cruisers, by an abominable abuse of brute force, according to the expression of the Cabinet of Lisbon, in notes full of energy, which they addressed to that of St. James's, demanding reparation for certain excesses committed on some Portuguese vessels. But England, conformably to the Article XIII. of the Treaty of the 22nd of July, 1835, cannot dispose at her will the fate of those individuals who are under the protection of both nations. With what right then to condemn them to forced labour for an extended period which few would survive? Who has given this power to the English Government? For what monstrous contradiction is torn away that multitude of men declared free in virtue of solemn Treaties, from the place where they were accustomed to live, which they consider their second country, to transfer them to these colonies, at the same time that they exact of Spain an iniquitous measure which compromises the existence of hers. [Note.—The Abolitionist Society of London protested against the permission given by the Government, but Lord John Russell did not deign to notice it; his secretary made it in six lines evasive and burlesque. The papers announce the arrival of some hundreds of negroes at Jamaica.] What will the world think of such inexplicable conduct? If a great interest does not prevent it, it will not be strange to see England retrograding in her fatal march of humanity, and establish rules for returning gradually to slavery, underhandedly, that multitude of barbarians that she has returned to savage life, either from the effect of error, or else—and this is without doubt more certain—to realise some great political end. [Note.—Opinion in Europe respecting the emancipation of the negroes did not accord with the result which it has had in the English colonies. Distinguished writers studied the question, and, justly distrusting theories, came to consult facts. Tocqueville, from what he has observed in the States of the American Union, deduces the absolute impossibility that the two races should ever live in front of each other, except as oppressor or oppressed—the weaker slave or victim of the stronger; and M. Granier de Cosagnac, in his observations on the island of St. Domingo, Jamaica, and this, that, in the present moral and intellectual state of the negroes, emancipation is a gift as fatal for them as for all the civilized world (see three letters so signed in the "Courier" of the United States of the 19th of June of this year). If, then, the result of emancipation has been in the English colonies the cessation of all labour, if a most melancholy but constant experience proves that the same fact has produced in all places the same consequences, that is, to cause the negroes to retrograde into all their savage and anti-social habits, what would be the fate of this island, where no preparation has been made to work so grave a change? Its loss for its inhabitants, for Spain, for the civilized world, its infallible loss, and as great, or perhaps more disastrous, than that of St. Domingo. The deep conviction which the Government ought to have that such would be the fearful conclusion of every measure directed not only for emancipation of the slaves, general or partial, but to debilitate in any respect the authority of the masters, or to increase the number of free persons—already too great—is a powerful motive, peremptory for rejecting the Treaty, even though on rigorous principles it were just. The right of preservation is the first, the most sacred of all rights, as in society as in individuals. "The faithful minister of the desires of Parliament," said the celebrated Canning, answering those who at one time, to destroy the illicit traffic, clamoured as now for emancipation, "ought not to occupy himself exclusively with what is just in theory, but what is practicable in reality." (Session 16th March, 1824.) These words, pronounced by a man whose authority England cannot refuse, form our defence, and the severest censure on the Convention proposed.]

Our Government cannot forget these maxims of natural right and of sound policy, and permit that, under the specious pretext to prevent one or other speculator introducing some hundreds of negroes, millions of their subjects be condemned to misery and to death, and to decide on losing a province of such immense value, political and economic, as the Island of Cuba. The economic evils which its ruin would occasion to the mother country are immense. Where would send her agriculturists, her trades and merchants, the effects that to the value of 17 or more millions of dollars we now consume? What course would take the 900 vessels that bring those products, and take away a considerable part of ours? What would be the fate of 8000 or 10,000 mariners that compose their crews, and that are the nursery of the war marine.

Would Spain have hope of entering into advantageous competition in the foreign markets with other nations more advanced in industry and richer in merchant marine? And the Government, whence would it supply the deficit that our subsidies would leave? With what would they cover the enormous expenses of the army, of the navy, of the employés of all classes that the island now maintains, and would go to bear down again on their emergencies? Supposing that she wished to preserve her sovereignty over ruins and barbarians, whence could be proportioned the considerable assignment that the maintenance would require of the troops by land and sea, that they would have here to preserve it? On the other side, the island, setting aside its interior consumption and the pecuniary advantages which it allots to the Government, has yet other extraordinary importance, the offspring of its admirable geographical situation. She is a precious link which preserves and strengthens the strong sympathies that exist between the new American nations, who touch the Gulf of Mexico and the sea of the Antilles, and their ancient mother country; she is an important depository to have with them an advantageous and lucrative commerce. She is a future provision entire, immense for Spain, a providential land, predestined perhaps to give her in America greater influence than that she had when she was sovereign of its two continents. To preserve her, and make her prosper, ought to be, for peninsular policy, a canon as sacred as, in the other sense, it is for England a law of its existence to tyrannize over and oppress unfortunate Ireland. In fine, the loss of such immense material interests would be shamefully aggravated by the opprobrium which would come upon Spain from this new Treaty. The right of visiting and detention, even for simple suspicions, agreed to in the two former Treaties, the existence in this port of a ship dismasted, and garrisoned by negroes, the tolerance of an

agent, not so much of the Government, as of the English abolitionists, who insults and threatens us, are already concessions and sacrifices sufficiently grievous; it is time then to put an end to the interminable demands of the British Cabinet, that, throwing away the disguise with which, until now, they had endeavoured to dissemble their true intentions, present themselves to discovery, making impudent review of them. On the reverse of this Treaty is prepared our sentence of death; but England ought to remember that there is a supreme law, superior to all laws, written by the hand of God in the hearts of all men; that from that law springs a right which none can compromise or renounce, and that the history of that country itself offers more than one terrible example of its use. That right is the one of preservation. The most moderate publicists agree that the people may resist the execution of laws, when they include precepts decidedly contrary to natural right. The obedience which the people promise to the sovereign involves the tacit condition of that he shall never order anything which compromises their existence. Without ceasing to be faithful, the inhabitants of Cuba will be able one time to oppose themselves to the orders of the Government, and in that opposition, more than to exercise a right, they will fulfil a sacred duty, which they will be able some day to allege as the best of their titles to national gratitude. This duty consists in preserving this beautiful and important possession for Spain and for the civilised world.

The Commission believes it has indicated the legal objections which prevent the celebration of the Treaty; demonstrated what would be its highly fatal results, and convinced to what shameful extreme it would compromise the nation, its dignity, and independence, in accepting it; but, convinced that the question respecting negroes involves a great political consideration for England, and that the basis of this is the island of Cuba, judges that perhaps it should not detain itself here, but proceed onward to treat of sounding the depth of that thought, to make palpable to what point it can be the afflictor for this country, and draw from their fatal lethargy those who do not see in the present pretension of England other design than that of there ceasing at once the illicit commerce in slaves. But this labour, though important and even necessary, would engage the Commission in a discussion which would make much longer this report, already too diffuse, if it were that it could ever be able to say sufficient upon a question so vital to the state.

The Commission, however, carried on by its zeal, will indicate, in a separate paper, some measures which it judges indispensable to adopt for improving and strengthening our interior organisation, to be able to cut off some day, if it be possible, slave-labour, and make front to the dangers that threaten us. Finally, it will close its report, proposing—1st. That Her Majesty be beseeched to deign make not the least alteration in the negro question, in any respect whatever, “without hearing distinctly, as she has been pleased to do, these authorities and corporations,” who will always explain what may be needful with zeal and loyalty; and 2nd, to repeat what the Royal Association has already manifested in its representation of the 27th February last, viz. that she deign to consider in her high penetration that, “on the question of slaves, there is but one feeling, one wish, unanimous, a fixed and unalterable idea, in all the inhabitants of the island, to prefer any extreme whatever to the calamity of losing their property, hazarding their lives, and becoming subject to the power of the blacks.”

Note to the Manuscript.—The Commission indicated in its report these measures, which not being agreeable to the Captain-General were suppressed, leaving them on a separate paper, with the intention, doubtless, that they sleep for ever in the archives of the Secretary's office; in those the total suppression of the trade in Africans was ardently asked for.

Second Enclosure in No. 94.

(Translation.)

Report of the Royal Patriotic Society, addressed to the Most Excellent Señor the President, on the Convention proposed by the Government of Her Britannic Majesty to that of Her Catholic Majesty, for the fulfilment of the Treaties relating to the Abolition of Slave Trade.

MOST EXCELLENT SIR,

THE Royal Patriotic Society, in forwarding the Report which your Excellency has sought of it, when so many persons interested in the prosperity of the island have written upon the exorbitant pretensions of the British Government, to which it refers, relative to the extinction of slavery in it, submits its ideas with the fear that, in a matter so important, the reply may not be so accomplished as the interest is great, demands of it.

Without doubting that your Excellency—in directing the copy of the note comprehending the three Articles of the new proposal, and in charging on this Corporation to examine and discuss the point under its legal aspect, its economic, that of the national dignity, and whatever other might conduce to the elucidation of the question—had in mind that this distinction assigned it is in harmony with the doctrine of the immortal and illustrious Jovellanos, who, convinced of that to be able to influence economic societies in the prosperity of the people, believes that governments and all corporations ought to hear their opinions, giving them thus a proof of esteem, and stimulating them with this confidence, as a reward due to their tasks, as gratuitous as voluntary.

Further, it does not consider that this may be the only cause which has induced your Excellency to make this communication, but that the English Government, seeking as a right that the negroes introduced since the 30th of October, 1820, may be declared free, and that those declarations may be made by the Mixed Courts to the exclusion of all other authority, and bound to rules designated in the articles of the same project, the Society has its due undoubtedly to occupy itself with the greater interest in the question, because it is its charge to promote the prosperity of agriculture and commerce; and the British Cabinet, in demanding the liberty of the negroes in the manner and form which it does, would only effect the destroying both branches, because, failing the labours of those who momentarily, for reasons that will presently be seen, are now dedicated to labour and domestic slavery, ruin would be the consequence.

Perhaps it will be wished to be said that the new Convention proposed is founded on those anterior to 1817 and 1835, and that, not having enforced these since 1820, in future they limit their pretensions to the slaves of that epoch: but this is not a satisfying reason, because the causes or foundations which

CLASS A.

England put forward from the first Convention were no others than philanthropy; and if this is the cause of humanity, it ought not to know limits or restrictions, but to exercise itself in favour of all the beings who groan under the weight of detestable slavery. To which adding, that neither of the two cited Conventions authorize the emancipation proposed by the new project, it follows that, being illegal and unreasonable, it ought not to be adopted, if it is wished the nation to preserve unhurt its dignity and dominion in the island of Cuba.

If public right did not establish that the conventions and stipulations of sovereigns are unalterable while they are not destroyed by new treaties, and that it would be a foolish and degrading recourse between nations to employ against them the exceptions which are lawful between private individuals to nullify them, the Society would not shun the showing by evidence the errors which occurred in the Treaties of 1817 and 1835, that our Government concluded with the British, to extinguish the trade in slaves. But at the time that it is cut off from this impugning as unnecessary, it is not forbidden it to do so respecting the injustice of recent pretensions.

All the articles of the old Treaties have no other object than to prevent the traffic in slaves and establish Mixed Commissions, which in case of any capture may determine on the legality of the detention; but there is nothing written which resolves that the negroes that shall be introduced into the island after the Convention shall in future be declared free; and far from that, it adverts that that declaration only exists stipulated with respect to those taken in vessels considered as good prize, as is adverted to in the 1st Article of the Regulations established for the Mixed Commissions; that is to say, that solely are authorized prosecution and capture at sea; but not remotely is anything agreed with relation to the negroes after they are on land. From which it follows, that the emancipation now attempted is unjust and impolitic, because it is wished to give the Convention a virtue and force in which it is wanting, contrary to the principles of all good legislation.

But why should we tire ourselves in seeking reasons for the project not being founded in the previous stipulation, when the same confesses it to us in the fact of seeking, not the fulfilment of an anterior obligation, but the establishment of another distinct stipulation? And what is the right which it authorizes for such a solicitation? No other than the compliance and easiness which was experienced when were agreed to the stipulations of 1817 and 1835. Well then was forgotten, and now it is sought to infringe anew the right of nations, which establishes that no country is permitted to meddle with the interior government of another, depriving it of the advantages which nature or industry may proportion it.

When the Society thus expresses itself, it does not believe that the prosperity of the island, or the cultivation of its fields, depends precisely on the existence of slavery, nor does it presume that its inhabitants are devoid of the sentiments of humanity which are compatible with their enlightenment. The Cuban people, sensible by their condition, and philanthropic by nature, are possessed of dispositions the most favourable towards the extinction of that slavery, because they esteem it prejudicial even to their interests. In spite, however, of that on this soil it is more light and mild than in other countries, and in spite also of the masters being watched by the Government that they do not abuse the dominant power, with all it must be confessed that slavery is always odious; that the service which it discharges is always imperfect and forced, and that its products will never be so advantageous as those afforded by free persons in whom work the stimulus of gain, and the fear of not meeting any to proportion them labour, unless they accredit themselves with the exact accomplishment of their tasks.

Further, in spite of that, this opinion, and in favour of liberty, which supports the idea of cultivation by free labourers as well as domestic service, the preservation of our created interests, our own existence, the tranquillity and preservation of the island, compromise the inhabitants in their continuing to suffer a calamity which the Government itself occasioned in permitting the introduction of negro labourers, believing to do a benefit. If then it should agree to some measures of sudden emancipation of slaves simultaneously, as the British Government now seeks, it would agree in fact to the destruction of our agricultural riches, because deprived of the cultivation of the fields by slaves; and not being prepared for a change so sudden, it is indubitable that all labour would be paralyzed, because we do not hold free labourers that would supply the deficiency, at the same time that the increased number of emancipated negroes, and all the other slaves, who thence presently would wish to be comprehended in the benefit, would be a torrent that would come upon the whites, whose impetus they could not restrain, and which would only produce a revolution in our social economy, and a desolation of property, if it did not at once bury us in a perpetual ruin; and the mother country even would run the risk of that this mass, as enormous as demoralized, should deprive it of one of the richest provinces of the Crown.

Slavery subsisting, as it ought to subsist, with what we now hold in the island, neither the labours of the estates, nor those others performed by negro labourers, would suffer alteration, because everything follows in natural course; and although the non-introduction of more slaves, in fulfilment of the Treaties of 1817 and 1835, has to occasion the gradual extinction of slavery, it is also certain that the order with which it has to succeed not only places us in shelter from the dangers and revolutions which the momentary emancipation would occasion, but that it will give us time to judge means for substituting the deficiency of labourers, and the Government will have a new motive for contributing to the augmentation of the white population, and to dispense even greater protection to agriculture principally.

On these two principles depends the happiness of the Cuban land; because the increase of the white population will increase our riches, by reason of that the estates, being worked by labourers not slaves, will give more products; as thus, the new exemptions dispensed to the labourers, and the redemptions of some burdens, are the means of increasing the prosperity of states, as advises the same Senhor Jovellanos, founded in that agriculture is the principal spring whence all riches emanate.

And with these antecedents, can it be in doubt that the Supreme Government should vacillate a moment, not one moment, in adopting both extremes, when it is its most sacred duty to protect its subjects? It is not to be presumed that it should affect not to hear our cries, trampling on us, that the opulence of the island should disappear, and that, overwhelmed in misery, neither will the Government be able to cover the urgent obligations that weigh heavy upon the royal coffers, nor continue remitting to the mother country the millions of dollars with which it has till now assisted her.

It was said before that the new project offends the dignity of the nation, and that the method proposed to carry it into effect is contrary to order, because it lowers our honour, that it should be consented to, the establishment of the Mixed Commission, when its form is not consonant to that of the

tribunals which the laws of the kingdom establish; and when it is to judge by a mode unusual and even unknown by our legislature, and not only involves that anomaly, but even bears on another juridical phenomenon, which is, that a foreign power may exercise judicial acts in Spanish territory, and against Spaniards; a thing, in truth, most repugnant, because the intervention of the English Government in those judgments is an imputation of distrusting our officers; and as by the new project it is claimed that the powers of those said Commissions be amplified, it would be an opprobrium for the nation, and an inextinguishable stigma, to accede to other measures more depreciating its tribunals, by receiving them of a stranger, when, from a contrary feeling, it ought to adopt lawful methods that should put an end to those powers of that imperfect and improper tribunal called the Mixed Commission.

Even were more acceptable the method which the new project puts forth for the investigation respecting the slaves introduced since the year 1820, in future, and consequent declaration of their liberty, then at the time it subjects them to an informal judgment, and, to some simple declarations of any class of persons, it deprives the proprietors of the right of appeal, which is so respected by our laws; and not only ought to be esteemed as an act the most violent and null, that by which we should be submitted to a Convention so offensive, but whose burden and excess, attending on all considerations, should not be respected and complied with, as is permitted to be done with all rescripts stretched out with unfairness and surprise, at the time that, delivering us to the mercy of a foreign power, it is claimed to subject us to the influence of passions, and to some rules which have not been established by the laws under which we were born; and, supposed that also, does not dispense us, in such case, for persons and property, that protection which is their due, and to which every Government is bound for its subjects.

It is time to avoid the evil which threatens us, and which hence the Society believes will not be effectuated, because the Supreme Government has wished to hear those interested therein before resolving on the matter; and it is not to be presumed that it will give its assent to the unjust solitudes of the Cabinet of St. James, nor cast away the solid reasons which speak in our favour, and which your Excellency will enforce and carry forward in your high penetration.

If unfortunately this ruinous project be accepted, the island of Cuba, which, with such foundation, has been considered the most precious gem of the crown of Castille, will lose all its splendour, because its opulence will disappear; but if, in complying with the Treaties of 1817 and 1835, are adopted at the same time extraordinary measures for augmenting the white population, if in this way white labourers be substituted for negroes, if agriculture be generously protected, and all kinds of industry, the happiness of the island of Cuba will arrive at the highest grade; because, introduction (of negroes) ceasing, slavery has to be mildly extinguished, conciliating by this mode the preservation of our interests with the sentiments of humanity which distinguish us.

Reviewing all that has been said, it will be seen that the Society holds as destructive, and an injustice, the violent abolition which the Government of Her Britannic Majesty proposes, and for that much hopes that our Supreme Government, in its paternal solicitude, will not admit the desperate remedy which the stranger offers, persuaded of that the social evils which time has engendered are not to be soon healed. At the same time it confesses that, slavery being a perpetual origin of moral corruption in the Cuban population, fomentor of the distinctions which the difference of colour carries with it, and cause of the abandonment of pursuits of industry by the white youth, it cannot do less than lament that the interest of individuals has brought things to the point of placing the island of Cuba in the hurtful position in which we see it, for which, raising its feeble voice to the Superior Government, it implores that in future its vigilance be increased for that the Treaties may be rigorously fulfilled by all the subjects of Her Catholic Majesty, as good faith requires and strict justice. Short space of time will be sufficient for that noting the exact fulfilment of the agreement, among so much it will be able to give to the vital question a favourable turn, procuring judgments for arriving step by step at the absolute adolition of slavery, conforming to the philanthropic opinions which exercise in Europe so powerful an influence on the masses and the Governments. But let this benefit be the work of time, and of well-considered reflection, without the intervention of foreign cabinets, interested in our misfortunes; without the sudden loss of our possessions, and with the personal security we demand for natural defence. The Society believes that the proprietors, convinced of what they see for the good of the country, casting aside the calculations of selfishness, will perhaps make gladly, opportunely, and prudently, the sacrifice of a part of their fortune, to secure the moral happiness of their children, and, we may say also, to save the remainder.

These are the wishes of the Corporation, which it makes manifest with the frankness and good faith that has no other object, and is moved by no other stimulus, than the honour of the nation, and the prosperity of the country, on whose altars ought everything to be sacrificed.

(Signed)

MANUEL MARTINEZ SERRANO,

Censor for Director.

ANTONIO BACHILLER,

Secretary.

Havana, October 29, 1841.

No. 95.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, December 11, 1841.

(Received January 28, 1842.)

MY LORD,

In the beginning of last month, having been apprised of the landing of a considerable number of Africans on the coasts of this island, and near this place, from two vessels, one of which was reported to belong to his Excellency Don Joaquin Gomez, who bears that title in right of the decoration of the Grand Cross of Isabel La Catolica, we found it our duty to address a letter to the Captain-General stating the circumstances. In that letter we specified particularly, what was notorious in this city, that 380 of those Africans, out of

about a thousand, were brought on account of Don Joaquin Gomez, and had been brought in a steam-vessel called the "*Pavo Real*" from the port of Mariel, a few leagues off on the coast, to the Chorrera, a small creek in this vicinity, the day before, with other circumstances therein stated. On the 8th instant, after what we must term a pretended inquiry, if inquiry was made at all respecting matters of which no doubt all the particulars were previously fully known, we received an answer from the Captain-General stating that a strict investigation had been had respecting the facts denounced, and that no such debarkation was found to have taken place. Such hardiness of assertion we regret exceedingly to have to report, and to add our belief that the parties making it must have been aware of the truths they denied. In our reply we contented ourselves merely with repeating our conviction of the trustworthiness of our information, and of our belief that the investigation should have been justly attended with a different conclusion.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

First Enclosure in No. 95.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 18, 1841.

We regret to have to state that we have received information, of the truth of which we have no doubt, that within a week past there have been landed, on the coast in the neighbourhood, nearly 1000 Africans, of whom we understand about 380 were brought in a vessel named "*Nosotros*," Elordui, captain, on account of the Most Excellent Señor Don Joaquin Gomez. These we understand were brought by the steam-vessel "*Pavo Real*," on Monday or Tuesday, from Mariel to the Chorrera. Thus affording another proof of how ready are the subordinate authorities at those places to connive at these continued violations of the Treaties and laws of Spain.

It is our duty to report these circumstances to Her Britannic Majesty's Government, and equally so to your Excellency, in the hope that effective measures will be taken to punish the offenders, and prevent repetitions of the offence.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 95.

The Captain-General to Her Majesty's Commissioners.

(Translation.)

GENTLEMEN,

Havana, December 8, 1841.

THE Assessor-General, third Lieutenant-Governor, to whom I intrusted the inquiries which I ordered to be instituted in consequence of the denunciation made to you, as you stated to me in your communication of the 18th of November last, relative to the debarkation of about 1000 Africans on the immediate coast, and the bringing of 380 in a steam-vessel, named the "*Pavo Real*," from Mariel to the Chorrera, has advised me, of the date of the 6th instant, as follows:—

"Most Excellent Sir,—By the inquiries made it results that there has not been the disembarkation denounced, and that consequently there has been a mistake on the part of those who suggested the information on which the denunciation rests, and the exactness of which it has not been able to prove; it becomes, therefore, right to determine that this proceeding be filed, communicating to the Commissioners that, notwithstanding the charge given to make the most exact inquiries, and these taken, the exactness of the denunciation has not been verified; and that there is nothing to merit further proceedings. Your Excellency may be pleased thus to determine, or as always what is most proper."

And agreeing with this opinion, I transmit it to you, Gentlemen, for your information, and as the final result of the matter.

God preserve you many years,

(Signed)

GERONIMO VALDES.

Her Majesty's Commissioners,

&c.

&c.

&c.

Third Enclosure in No. 95.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, December 9, 1841.

We have received your Excellency's letter of yesterday's date, transcribing us the opinion of the Assessor-General, Third Lieutenant Governor, in respect of the disembarkation of about a thousand Africans, and especially of a number brought in the steam-vessel "*Pavo Real*" from Mariel to the Chorrera, of which 380 were on account of the Most Excellent Señor Don Joaquin Gomez; and your Excellency is pleased to tell us, in conformity with the Assessor-General's opinion, that there has been no such debarkation, and that there is no reason for further proceedings.

In reply, we beg to state that we will take the earliest opportunity of reporting the circumstances to Her Majesty's Government, feeling, however, well assured that our information was correct, and that the proceedings taken should justly have been attended with a different conclusion.

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

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

No. 96.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, December 13, 1841.

(Received January 28, 1842).

MY LORD,

WE have the honour to enclose a copy of a communication of the 9th instant, from the Captain-General, on the subject of a denunciation made by Mr. Consul Turnbull of certain vessels fitting out in this harbour, intended for Slave Trade, and others expected from the coast of Africa. With regard to the last, the Captain-General states he has given redoubled orders to have them seized if they come to any of the ports; and with regard to the others, the "Trueno" and the "Venus," he states that the former was the Portuguese brig "Trovaó," fitting out for Monte Video, and that there was no vessel named "Venus," except a polacra which had recently arrived from New Orleans, and had since sailed for Barcelona. The polacra is not the vessel intended, but the one now called "Duquesa de Braganza," and so we stated in our answer of the 10th, in which we assured His Excellency that we would take the earliest opportunity of reporting his communication to Her Majesty's Government. We took the opportunity, however, of adding that two vessels had sailed hence last month avowedly for the coast of Africa, and that no one here doubted of the "Trovaó" and the "Duquesa de Braganza" having the same destination, though they cleared hence ostensibly for Monte Video. We observed also, that, though we could believe that these vessels might prepare to sail under circumstances to prevent any steps being taken to detain them, yet that there could be no excuse for such dishonourable proceedings as to allow any to arrive and land their cargoes with impunity, in open violation of all laws and obligations.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 96.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, December 9, 1841.

ON the proceeding instituted in consequence of the denunciation of the English Consul respecting there being preparing on the wharf Sama the vessels "Trueno" and "Venus," of there being to arrive and land Bozal negroes at the ports of Bahia-honda, Cabañas, and Mariel, the vessels "Dos de Febrero," "Terrible," and another he does not name, the third Assessor-General, by date of the 1st instant, has advised me as follows:—

"Most Excellent Sir,—According to the reports from the officers of Mariel and the custom-house it results that the Portuguese brig "Trovaó" sailed for Monte Video, and, although the Consul supposes it Spanish, the Captain of the Port assures us that, during the two years which he has filled that post, he has not any information of there existing a Spanish brig "Trueno," and that by the name of "Venus" there is no other by this name than the Spanish polacra "Venus," which entered this port, coming from New Orleans, with a cargo of cotton and other effects, and sailed for Barcelona, and that there is no appearance of any sailing for the coast of Africa, the officers of the custom-houses always taking heed, when a vessel opens a register for the coast of Africa, to give the becoming notice to the general superintendency, as is ordered. There is no legal ground, therefore, nor conjectural, or indications, to proceed to other inquiries respecting these vessels; and the felucca "Elastica," or "Mistica," which the English Consul says sailed for Barcelona, and it becomes proper to direct that they cease and file this proceeding, carrying into effect the orders which of the 2nd of November last I advised, and your Excellency directed should be issued respecting the vessels which the Consul denounced as expected from Africa with slaves; that, redoubling their diligence, they proceed to their detention and apprehension of the crew, putting the cargo at the disposal of your Excellency, as is ordered. Your Excellency may determine thus, or as always most proper."

And I, having coincided with this opinion, transmit it to you, Gentlemen, for your knowledge, with the information that from the 20th of last November I have circulated orders the most strict for the seizure of the said vessels, if they should appear with the cargoes indicated.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Second Enclosure in No. 96.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, December 10, 1841.

WE have to acknowledge the receipt of your Excellency's letter of yesterday's date, transmitting us the opinion of the third Assessor-General of the 1st instant, in respect of the denunciation of certain vessels therein named by Her Britannic Majesty's Consul. We will take the earliest opportunity of forwarding your Excellency's communication to Her Majesty's Government, and only add that we trust the orders which your Excellency has given for the seizure of the vessels, if they should arrive with the cargoes indicated, may be duly fulfilled.

With respect to the vessels, however, we would observe that it is notorious the Portuguese brig "*Trovao*" was formerly the Spanish brig "*Trueno*," and that the Portuguese brig "*Duquesa de Braganza*" is better known by her American name of the "*Venus*." Both these vessels sailed hence the latter part of last month ostensibly for Monte Video, though no one in this place doubts of their real destination having been the coast of Africa. Besides these, the Spanish paylebot "*Presidente*," and the Portuguese schooner "*Escorpion*," sailed hence last month direct for Africa; and though we can believe that all might sail under circumstances not authorizing their detention previously, yet there can be no excuse for such dishonourable proceedings as allowing them to return with impunity, with cargoes of slaves, in breach of all laws and obligations.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 97.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, Dec. 24, 1841.

MY LORD,

(Received Jan. 28, 1842.)

WE have the honour to report that, during the last month, the following vessels were despatched hence, as we believe intended for Slave Trade:—

- 8th Nov., for Cape Verd, Spanish cutter "*Presidente*."
- 13th ,, Loanda, Portuguese schooner "*Escorpion*."
- 15th ,, Monte Video, Portuguese brig "*Duquesa de Braganza*."
- 19th ,, Monte Video, Portuguese brig "*Trovao*."

We regret from this list to conclude that the traders entertain a belief of their continuing to possess the protection of the Government. This conclusion may further be supported by the circumstance of two vessels having arrived during the month, one name unknown to us, and the other the "*Nosotros*," on the 19th, with cargoes of slaves, amounting to about 1000 negroes. The latter came on account of Don Joaquim Gomez, whose name has been so long infamously connected with this traffic. The several particulars relating to the above-mentioned vessels form the subjects of the two preceding Despatches.

Besides these, arrived on the 12th November, from Cabo Verde, the American schooner "*Thorn*," consigned to Mr. Charles Tyng, whose name has been also so often to be found in the papers printed by order of Parliament relating to Slave Trade.

We have lately heard, from a quarter on which we can rely, that it is the intention of this Government, after the termination of this present year, to give their full liberty to the Emancipados, as the terms expire for which they have been respectively assigned. But as many of these have been held in a state worse even than slavery for upwards of 10 and 15 years, and none later than the year 1835, it is at best but a poor concession now proposed to them of their liberty. But if to this consideration we add that of the constant bad faith kept by this Government with Great Britain, we fear that even this measure may be shackled with conditions that will still further tend to cheat the unhappy individuals of their rights. We trust, therefore, that your Lordship will not be satisfied with leaving the Emancipados in the hands of this Government, but at least secure to them the option of being sent to a British colony, if they wish it, without reference to the assignment (many very recent ones) by which they have been so long and so unjustly deprived of their liberty.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 98.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 1, 1842.*

MY LORD,

(Received Feb. 28.)

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 for adjudication before the Mixed Court of Justice at this place during the last six months.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

*The Right Hon. the Earl of Aberdeen, K. T.,**&c.**&c.**&c.*

No. 99.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 1, 1842.*

MY LORD,

(Received Feb. 28.)

IN obedience to the directions given in Viscount Palmerston's Despatch of the 7th July, 1840, we have the honour to report that there have been no captured Africans put on board Her Majesty's ship "Romney," stationed in this port, during the six months last past.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

*The Right Hon. the Earl of Aberdeen, K. T.,**&c.**&c.**&c.*

No. 100.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 1, 1842.*

MY LORD,

(Received Feb. 28.)

WE have the honour to submit to your Lordship, according to established rule, our annual report or summary of observations on the state of the Slave Trade in this island during the last year, and also therewith to enclose lists of the vessels that have arrived here during the year from the coast of Africa, and of those that sailed hence in 1840 and 1841, suspected of being intended for Slave Trade.

On the last occasion of our having to fulfil this duty, in our Despatch of the 1st of January, 1841, we had the gratification to state that, notwithstanding a remarkable impetus given of late to the cultivation of the chief productions of the island, tending consequently to an increased demand for slave labour, yet the trade in slaves had manifestly declined, inasmuch as, in both the arrivals and departures of vessels engaged in that traffic, there appeared a decrease of about one-third on the average of former years. This subject of gratulation we have the further satisfaction now to repeat, as the lists enclosed show a continuance of the diminution, there appearing to have been despatched hence, suspected of being intended for Slave Trade—

In 1840	.	.	.	.	54 vessels
„ 1841	.	.	.	.	31

These numbers, however, we must acknowledge, form no just criterion whereby to judge of the extent to which slave-trading has been carried, on account of the practice, lately adopted, of despatching the vessels ostensibly to other places, so as to disguise their real destination. Thus, of the 31 vessels we have named as having sailed for such purpose during the last year (Enclosure No. 2), your Lordship may observe that there were no fewer than 23 that cleared out under a pretence of sailing to Monte Video, or other ports in South America;

and of six vessels that sailed hence in the year 1840, condemned at Sierra Leone, we find three that cleared out for other places than the coast of Africa, and were not therefore inserted in our list for that year. Consequently, as at least three must be added to the number of slave-vessels that sailed hence in 1840, so we must be prepared to find that our other list (for 1841) must be proportionally considerably deficient, though the dealers now conduct their operations with so much more precaution, that it is impossible for us, in the generality of cases, to detect them.

But this difficulty does not extend to the arrivals of vessels with cargoes of slaves; because to them a certain decree of publicity must be given, not only from a consideration of exultation in their escape, but also to obtain purchasers for the negroes they bring. Thus then we feel assured that the numbers we have stated, of vessels that arrived, are to be relied on (Enclosure No. 3); thus still more clearly proving a diminution in the trade, the numbers being of vessels from the coast of Africa—

In 1840 arrived	.	.	.	.	37
In 1841	„	.	.	.	27

In further corroboration of our remarks, we are glad to have it in our power to give a return of the vessels and cargoes that have arrived here, or in the neighbourhood (including Matanzas), during the last seven years, as taken from the books kept at the store used by the slave-dealers here as an exchange or place of meeting, from which it appears that the dealers understood that—

In 1835 there arrived	47	vessels with	15,242	negroes.
„ 1836	„	41	„	14,082
„ 1837	„	29	„	12,240
„ 1838	„	32	„	10,495
„ 1839	„	31	„	10,995
„ 1840	„	28	„	10,104
„ 1841	„	21	„	8,893

And, supposing these formed three-fourths of the importations into the whole island, a just opinion, we believe, may be approximated on the subject. In our list (No. 3) we have given the aggregate of the numbers, as they had from time to time come to our knowledge, and were returned in our several monthly reports, and these for the last year come to the same conclusion, as by that, omitting the vessels Nos. 6, 13, and 15, there appear exactly 21 vessels, with a total, in the round numbers given, of 8984 negroes, making only a difference of 91.

These vessels, we may observe, all arrive under the Portuguese flag, but it may be a doubt whether any of them have lawful papers of nationality for the use of that flag, and we believe they are all in reality owned by persons in this place; but of those that sailed in the year there appear to have been—

Portuguese	.	.	.	.	25
Spanish	.	.	.	.	4
French	.	.	.	.	1
Belgian	.	.	.	.	1

—
31

In our later reports we have always considered one of the best criterions we could fix on for forming a judgment of the state of slave-trade was the demand for labour, as evidenced by the official returns of the exportations of the principal productions. Thus we have in our former reports shown the extraordinary increase in the exports of sugar from this port and Matanzas, amounting to 50 per cent. in less than three years. This tendency to increase still continues, as from the custom-house returns it appears that in 1840 from these two ports were exported 712,543 boxes (of which five equal one ton), and in 1841 were 712,914; but with this difference, that of the former year's crop very little was left on hand, whereas of the last year's there is a great quantity, on account of the planters having held back their sales from the hope of obtaining higher prices if the English market had been opened to them. From the other ports of the island the return states there were reported—

In 1840	91,947	boxes
In 1841	99,280	„

So that the total amount in each year exceeded 800,000 boxes of sugar, or 160,000 tons. In the present season it is believed that the produce will amount to near a million of boxes, though we learn that there is not now any opening of new estates, and that the great increase in the production of sugar is, in some measure, to be ascribed to the giving up the cultivation of coffee, of which, in the exports, there has been a falling off proportionally, the amounts being—

In 1840 exported 549,416 cwt.
 In 1841 „ 315,255 „

Meanwhile the price of slaves continues as high as before, and they are sold off readily; the planters having recovered from their panic, and being desirous to provide themselves with labourers in case the present Captain-General should put his threat into effect of suppressing the Slave Trade. Of this many seem to entertain a belief, and we are informed that the later vessels that have been sent hence by the dealers have gone only for the purpose of winding up their affairs on the coast of Africa. Whether this be correct or not a short time must show; but we must be still prepared to know that full reliance is not to be placed on any protestations, nor any relaxation permitted of existing precautions. We firmly believe that the Creole population, whose estates are sufficiently stocked with labourers, the value of whom would be doubled on an end being put to the trade, would gladly see it abolished; but we believe also that public opinion in this community is not sufficiently formed to urge an apathetic Government to the suppression, or to visit with reproach those authorities of the Government who may continue to connive at it and participate in its profits. Thus, therefore, we trust the measures may be continued of destroying the factories on the coast, and punishing, as far as possible, the persons found engaged in the trade, so as to destroy its inducements for unprincipled characters to engage in. Still our great hope is to observe the low price of sugar in the European markets, and the cheering prospects of supply from the East Indies, to strike the most fatal blow at the existence of the traffic, by destroying the hopes of the slaveholder to obtain a monopoly of the sugar-market. Should this monopoly be found impracticable, and should no demand consequently arise for increased slave-labour, the suppression of the traffic must be of comparatively easy attainment.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
 &c. &c. &c.

First Enclosure in No. 100.

List of Vessels that have sailed from Havana for the Coast of Africa during the year 1840.

No.	Date.	Nation.	Class.	Vessel.	Destination.	Remarks.
	1840.					
1	Jan. 3	Portuguese	Schooner	Adelaide	Isla del Principe.	
2	" 18	Spanish	"	Concepcion	S. Pablo de Loanda.	
3	" 21	Portuguese	Brig	Diligente	Lagos.	
4	" 25	"	Schooner	Fermosa	Gallinas.	
5	" 31	"	Pailebot	Constituciao	Cape de Verdes.	
6	Feb. 22	American	Schooner	Hudson	Loanda.	
7	" 15	Portuguese	"	Olimpia	San Tomé	Captured.
8	March 6	American	"	Audubon	Gold Coast.	
9	" 20	Spanish	"	Numantina	S. Pablo de Loanda	Returned.
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	2da Rosario	Cape de Verdes	Captured.
14	" 28	Portuguese	"	Paz	Bonny	Returned.
15	April 1	"	Ship	Gloria	Mozambique	{Seized by the Portuguese authorities.
16	" 14	"	Schooner	S. P. de Loanda	Gallinas	Captured.
17	" 28	"	Brig	Trovao	Lagos	Returned.
18	" 29	"	Schooner	Bacua Union	Cape de Verdes.	
19	May 2	American	Brig	Plant	Lagos.	Captured as Spanish.
20	" 2	"	Schooner	Lone	S. Pablo de Loanda	
21	{sailed 11}	Portuguese	Ship	Maria 2da	Mozambique	{The Socorro seized by the Portuguese authorities.
22	" 6	Spanish	Brig	Marinero	Bonny.	
23	" 11	Portuguese	Schooner	Pombinha	Gallinas.	
24	" 12	American	"	Seminole	"	
25	" 11	"	Brig	Alexander	"	
26	" 27	"	Schooner	Kite	S. Pablo de Loanda.	
27	June 2	Spanish	Brig	Segunda Vigilante	Manilla	Returned.
28	" 6	Portuguese	"	Escorpion	Gallinas	Captured.
29	" 6	"	"	Tres de Agosto	Lagos.	
30	" 17	"	Ship	{Duquesa de Braganza, formerly the Venus}	Goa.	Returned 10th Feb.
31	" 24	"	Schooner	Astrea	S. Pablo de Loanda.	
32	July 3	Spanish	Brig	Yaeria	San Tomé	{Run on shore by the "Pickle," near Havan, and wrecked.
33	" 14	Portuguese	Ship	{Amelia (a) Caballo} Marin	Madagascar	Seized at Mozambique.
34	" 21	"	Schooner	Name unknown	Cape de Verdes.	
35	" 29	"	"	Josefina	S. Pablo de Loanda.	
36	Aug. "	"	"	"	"	
37	" "	"	"	"	"	
38	Sept. 15	"	Brig	Felicidad	Lagos.	
39	" "	"	"	"	"	
40	" "	"	Schooner	"	"	
41	" 25	Spanish	"	Numantina	S. Pablo de Loanda.	
42	Oct. 8	American	Brig	A E	"	Returned.
43	" 8	Spanish	Schooner	Reglano	Cape de Verdes.	
44	" 13	Portuguese	Brigantine	Escorpion	Monte Video.	
45	" 17	"	"	Paz	Rio Brazo	Returned.
46	" 20	"	"	Salazar	Loanda.	
47	" 22	"	Brig	3 de Febrero	Lagos	Returned.
48	" 22	French	"	Aleyon	Goree.	
49	" 24	Spanish	"	Octavia	Loanda.	
50	Nov. 3	Portuguese	Brigantine	Josefina	Monte Video.	
51	Dec. 11	"	Schooner	Porto	Cape de Verdes.	
52	" 19	Spanish	Brigantine	San Pedro	S. Pablo de Loanda.	
53	" 24	"	Schooner	Matanera	Cape de Verdes	Returned.
54	" 31	"	Brigantine	2do Vigilante	"	

Portuguese	3
Spanish	12
American	8
French	1

Second Enclosure in No. 100.

List of Vessels that have been despatched from Havana during the year 1841 suspected of being intended for Slave Trade.

No.	Date.	Nation.	Class.	Vessel.	Destination.	Remarks.
	1841.					
1	Jan. 9	Portuguese	Brig	Gabriel	Cape de Verdes . .	Returned 20th April.
2	" 26	"	Schooner	Liberal	Monte Video	
3	" 29	"	"	Ligera	Buenos Ayres.	
4	Feb. 11	"	Brig	Fortuna	"	Returned.
5	" 15	"	"	Josefine	Monte Video.	
6	" 18	"	Schooner	Felicidade	Buenos Ayres.	
7	" 23	"	"	Esperanza	Monte Video.	
8	March 31	"	"	Astrea	Loanda.	
9	April 7	French	Ship	L'Amelie	Goree.	
10	" 3	Portuguese	Schooner	Paz	Buenos Ayres.	
11	May 12	"	Brig	Escorpion	Monte Video.	
12	" 6	Spanish	Schooner	Nueva Rosario	Cartagena de Indias.	
13	June 1	Portuguese	Brig	Gabriel	Monte Video.	
14	" 11	Spanish	Schooner	Numentina	"	
15	" 23	Portuguese	Paylebot	Paquete de Oporto	"	
16	" 25	"	"	Duq. de Braganza	"	
17	July 3	"	Brig	Trovao	"	
18	" 17	"	"	Tres de Febrero	"	
19	" 23	"	"	3 de Febrero	"	
20	Aug. 5	Spanish	"	San Pedro	Loanda.	
21	Sept. 13	Portuguese	Schooner	Hercules	Monte Video.	
22	" 7	"	"	Paz	Buenos Ayres.	
23	" 10	"	"	Nassimiento	Monte Video.	
24	Oct. 9	"	"	Feliz Triumberato	"	
25	" 22	"	"	Segunda Union	Madeira.	
26	" 23	Belgian	Ship	Luisa	Cape Verdes	With merchandise & effects.
27	Nov. 8	Spanish	Cutter	Presidente	"	
28	" 13	Portuguese	Schooner	Escorpion	Loanda.	
29	" 15	"	Brig	Duq. de Braganza	Monte Video.	
30	" 19	"	"	Trovao	"	
31	Dec. 31	"	Schooner	Fortuna	"	

Portuguese, 25; Spanish, 4; French, 1; Belgian, 1—Total, 31.

Third Enclosure in No. 100.

List of Vessels that have arrived at Havana during the year 1841 from the Coast of Africa.

No.	Date.	Nation.	Class.	Vessel.	Remarks.
	1841.				
1	Jan. 1	Portuguese	Schooner	Name unknown	With 321 negroes.
2	" 24	"	"	Estrella	With 311 negroes, consigned to Forcadé.
3	" 27	"	Brig	Montecu (a) Volador	In ballast.
4	" 30	"	"	Name unknown	With 413 negroes, consigned to Boch, Mayner & Co.
5	Feb. 10	"	"	{ Duq. de Braganza } { (a) the Venus }	With 711 negroes, consigned to Don J. Mazorra.
6	March 17	"	"	Name unknown	
7	"	"	"	"	With 345 negroes.
8	April 12	"	"	Tres de Febrero	With 636 negroes, consigned to Don J. Mazorra.
9	" 17	"	Schooner	Pompero	With 457 negroes, do.
10	" 20	"	Brig	Gabriel	{ From Gallinas, with 344 negroes to Manzanera } { and Abrisqueta. }
11	May 3	"	"	Trueno (a) Irene	{ With upwards of 400 negroes, consigned to P. } { Martinez and Co. }
12	"	"	Schooner	Paquete de Oporto	With 250 negroes.
13	" 20	"	Brig	Aguila	{ Wrecked off Cabanas with about 450 negroes, of } { whom about 30 were drowned, and the remainder } { seized by the local authorities. }
14	June 25	"	"	Tres de Febrero	Landed at Guanimar about 500 negroes.
15	July 19	"	Schooner	Aurelia	Landed in the neighbourhood of Santiago de Cuba } { 220 Africans. }
16	" 25	"	"	Estrella	{ Landed a cargo of negroes on the south side of the } { island. }
17	Aug. 1	"	"	Paz	Landed upwards of 400 negroes at Guanimar on } { account of P. Martinez and Co. }
18	" 16	"	"	Pilota	Reported to have returned without negroes.
19	Sept. 29	"	"	Volador	Landed at Guanimar on account of Don Pedro } { Blanco 238 Africans. }
20	Oct. 1	"	"	Matancera	Landed at Mariel on account of Don Ramon Font } { 158 negroes. }
21	" 3	"	Brig	Duq. de Braganza	Landed at Mariel on account of Don J. Mazorra } { and Co. 600 negroes. }
22	" 22	"	"	Trueno	Landed at Bahia-honda 450 negroes.
23	" 23	"	"	Name unknown	Landed at the same place about the same number.
24	Nov.	"	"	"	Landed about 320 negroes at Mariel.
25	" 12	"	"	Nosotros	Landed about 680 negroes at Mariel to Don Joaquim } { Gomez, the negroes of which were carried to the } { Chorrera in the steam-vessel "Pavo Real," and } { sold there in the Barracoon. }
26	Dec.	"	"	Segunda Union	{ On account of Don J. Mazorra brought about 1000 } { negroes. }
27	"	"	"	Tres de Febrero	

No. 101.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 5, 1842.**(Received February 28.)*

MY LORD,

WE have the honour to acknowledge having received your Lordship's Despatch, dated the 29th of October last, enclosing us copies of a correspondence had with the Spanish Government, respecting the bringing of three cargoes of Africans, about 1500 in number, to this place, in the beginning of last year.

We feel assured that it is not necessary for us to make any remark on the character of the legal proceedings then instituted in consequence of our denunciations; and will only express our regret that the Regent of Spain should have returned so peremptory a refusal to the proposition for giving the Mixed Court the power of inquiring into cases of illegal trading. We believe this to remain the most effective means for suppressing the Slave Trade, and one which the Spanish Government, if earnest in its professions, might well concede, as carrying out the intent of existing Treaties.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 102.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 17, 1842.**(Received February 28.)*

MY LORD,

WE have the honour to enclose your Lordship copies of a correspondence we have had with the Captain-General of this island, under the following circumstances.

Having learned, in the beginning of this month, that two vessels had arrived off the coast a few days previously, with about a thousand Africans on board, we were on the point of addressing a letter to His Excellency on the subject, when we received a communication from him, dated the 7th of January, stating that Mr. Consul Turnbull had denounced one of the vessels, the "*Tres de Febrero*," to him, but that the Third Assessor-General had advised him to answer that the vessel had been examined before she was admitted to free pratique, and that no proofs of illegal trading had been found on board, which answer His Excellency was pleased to give us.

In our reply of the 8th instant we observed that we would take the earliest opportunity of transmitting this communication to Her Majesty's Government, but we should be under the necessity of adding, that, whatever means had been adopted to disguise the nature of the traffic in which the vessel had been engaged, there was no doubt of its having very recently arrived, in company with another vessel, the "*Segunda Union*," from Africa, bringing together about a thousand Africans, who were at that very time said to be in the barracoons in the neighbourhood. We stated that both vessels came on account of the well-known slave-trading firm of which Don José Mazorra is the principal, and that a considerable portion of these Africans had been sold to one Don Julian Zulueta, who is a sort of middle dealer between the importer and the planter. We also thought it right to take the opportunity of informing the Captain-General of Viscount Palmerston's instructions to Her Majesty's Minister at Madrid, as communicated to us by your Lordship, in the Despatch of 1841, dated the 29th of October last, to represent that, as the Spanish Government had recently been so peremptory in requiring from the Portuguese Government the strict fulfilment of treaty obligations, so they were bound to fulfil also the engagements entered into with Great Britain. On this His Excellency returned us a reply, repeating his strong desires to suppress the traffic, and enclosing us copies of

four circulars he had issued since his assuming the command, enjoining on all the subordinate authorities of the island to act in strict discharge of their duties respecting the illicit traffic. This letter and the circulars are written in so earnest, and apparently sincere, a tone, that we cannot but hope that our original opinion of His Excellency's intentions on the subject may prove well founded. We therefore in answer stated that we should have great pleasure in forwarding those circulars to Her Majesty's Government, in testimony of His Excellency's desire to suppress the Slave Trade; but that we must nevertheless observe, that it seemed still to be prosecuted with as much impunity as ever; that vessels were from time to time sailing hence, apparently unrestrained, intended for Slave Trade, and others arriving with cargoes, who were notoriously lodged in the neighbouring barracoons, and openly marched thence in files through the highways, conspicuous by their scarred faces, their shaven heads, and their general appearance.

We trust our remonstrances have had the desired effect, as, from all the information we receive, we believe the Captain-General is duly taking measures to make his orders effective, as we shall have to detail to your Lordship in subsequent Despatches.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 102.

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

GENTLEMEN,

Havana, January 7, 1842.

ON the proceedings instituted in consequence of the official note of the English Consul of the 3rd instant, announcing the arrival of the vessel "*Tres de Febrero*," supposing her to have been employed in the traffic of Bozal negroes, the Third Assessor-General has advised me, of this date, as follows:—

"Most Excellent Sir,—Your Excellency may be pleased to answer the Consul of Her Britannic Majesty, that an examination had been made of this vessel before admitting her to free practice, and that nothing had been found on board her that could make it suspected of having been employed in the reprobated traffic in slaves."

And having accorded with this opinion, I transfer it to you, Gentlemen, for your knowledge.
God preserve you many years.

(Signed) GERONIMO VALDES

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

Second Enclosure in No. 102.

Her Majesty's Commissioners to the Captain General.

MOST EXCELLENT SIR,

Havana, January 8, 1842.

WE have received your Excellency's letter of yesterday's date, informing us of the proceeding instituted in consequence of a denunciation made by Her Britannic Majesty's Consul, on the 3rd instant, of the arrival of the vessel "*Tres de Febrero*," suspected of having been engaged in Slave Trade, and of your having been advised by the Third Assessor-General to reply that an examination had been taken of the vessel before admitting her into free practice, when no grounds of suspicion had been found of her having been engaged in the reprobated traffic.

This communication we will take the earliest opportunity of transmitting to Her Britannic Majesty's Government; but we regret that we shall be under the necessity of adding, that, whatever steps might be taken by the "*Tres de Febrero*" on entering this harbour to dispel the suspicion of unlawful trading, yet we have been credibly assured that, from that and another vessel, the "*Segunda Union*," about 1000 negroes have been recently brought to the Barracoon in San Antonio el Chiquito, and that a large portion have been thence purchased of Don José Mazorra by Don Julian Zulueta.

We think it right to take this opportunity of stating, that we have received a Despatch from Lord Aberdeen, Her Britannic Majesty's Secretary of State for Foreign Affairs, enclosing us copies of a correspondence with the Spanish Government respecting the bringing of a number of negroes, about a year since, to the same Barracoon, when an investigation was had of a fruitless character to apprehend the offenders, and of which the *Sumaria* was sent to the Spanish Government, and by them transmitted to the British. That *Sumaria* Lord Palmerston pronounced to be manifestly unworthy of consideration, and desired the British Ambassador thereupon formally to represent that a time must come for an end to be put to these proceedings, and that, as the Spanish Government had recently been so exigent in requiring from the Portuguese Government the strict fulfilment of Treaty engage-

ments, so they must expect that the British Government will soon require from them also the observance of their Treaty obligations.

We have, &c.
(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

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

Third Enclosure in No. 102.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, January 10, 1842.

IN your official letter of the 8th instant you tell me, in answer to mine of the 7th, relative to the denunciation of the vessel named "*Tres de Febrero*," that there yet exist in your judgment suspicions of illegal traffic, notwithstanding other conclusion has resulted from the procedure, and that, according to the Despatch of Lord Aberdeen, Her Britannic Majesty's Secretary of State for Foreign Affairs, corresponding demands have been made on the Government of Her Majesty; and in consequence these proceedings should cease, and with them the traffic in slaves.

I certainly do not yield to you, Gentlemen, in desire that this be verified, inasmuch as, corresponding to the explicit and peremptory provisions of my Government, I have issued different circulars since my arrival in this island for the strict observance of the Treaties, circulars which I consider it right to place in your knowledge, remitting you authorized copies.

By these you will see that, notwithstanding the last Treaty of 1835 only speaks of the manner of making captures at sea by vessels respectively of the English or Spanish marine, I have added to that, especially in the two last, the examinations of vessels that sail from these ports to those suspected of having disembarked negroes on these coasts of the interior of the towns, and whoever directly or indirectly occupy themselves in so ominous a commerce. With this object I have charged with the most effective responsibility the subordinate authorities; I have excited the zeal of the royal marine, and of the superintendency, and nothing is left to do of what could put in practice the greatest lover of the liberty of his fellows. One cargo was seized by these means at Cabanas, and the unfortunate persons who were brought into slavery were by me declared free, and delivered over for their moral and religious education to persons of responsibility, who should treat them with humanity.

In resting myself on the quality and energy of my dispositions, I might have supposed that the traffic had absolutely ceased; but I see your denunciations, and they induce me to suspect that some may yet some time elude, and against my will, the most efficacious measures. That may be possible if we consider the precautions which self-interest suggests to men who have resolved to trample on and infringe the laws. Many and very good laws are contained in the codes of all nations, which are scandalously eluded, without being sufficient to maintain them inviolate all the energy and care of those charged with their execution.

Mine were firm and decisive, and have been repeated anew to all the subordinate authorities of the island in the circular of the 6th instant.

Her Majesty's Government feels interested in the extinction of the traffic; and I, faithful observer of their commands, shall employ to effect it what resources lie in my reach, as I have made known to His Highness the Regent of the kingdom; and I flatter myself that they have produced satisfactory results.

Here might terminate this communication; but I cannot do less than say to you, that, if the Government of Her Majesty has been exigent in seeking of the Portuguese the strict fulfilment of Treaty engagements, they have in that done nothing else than use with dignity all the extent of their rights to demand agreements which were wished to be unrecognised and denied. The Government of Her Majesty has not failed in those which bind them to that of Great Britain; they know their strength and vigour; they confess them, respect them, because in that is interested good faith and honour itself; and I see in the persecution of the traffic yet still more than engagements, because I am certain that such are the intentions of Her Majesty; and I thus respond to the inclinations of my soul.

With this motive I repeat to you, Gentlemen, the assurance of my personal consideration.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

(Translation.)

Circular No. 1.

Havana, May 6, 1841.

DETERMINED to second the beneficent views of the Regency of the kingdom, to do whatever is possible in compliance with the inhabitants, and for the tranquillity and preservation of the island, it is also my sacred duty to have fulfilled its energetic dispositions respecting the strict observance of the Treaty for the abolition of Slave Trade concluded with the Government of Great Britain in 1835, without omitting any means for effecting it. For this purpose I charge you, Sir, in manner most positive and explicit, to endeavour, by whatever means are in your reach and under your immediate responsibility, to contribute to this resolution with all the distinguished zeal that I promise myself from you and the other officers of the district under your command, avoiding the abusive contrivances that may be attempted to elude the superior orders on this subject; proceeding promptly, legally, and vigorously against the offenders, whoever they may be, circulating it to those whom it may concern, and giving report of all to this Captaincy-General, as also of the receipt of this communication.

God preserve you many years.

(Signed)

GERONIMO VALDES.

Circular No. 2.

Havana, December 1, 1841.

THE repeated denunciations made by the English Commissioners and Consul of Her Britannic Majesty, of that some vessels under a foreign flag engage in the traffic reprobated by solemn treaties between the Governments of their Catholic and Britannic Majesties, have very particularly called my attention. The result of the investigations instituted in consequence of these complaints has convinced me that, although given with laudable zeal, they do not rest on exact data, such as may merit legal judgment to determine especial proceedings against specified persons. On the whole, firm in my desire to make the engagements contracted by Her Majesty's Government have effect, and in fulfilment of repeated orders that at all costs I take care of the observance of the Treaty of the 28th of June, 1835, I have resolved to repeat the orders which, at my entrance on the command, I gave for that there should cease at once, and disappear, the fraudulent introduction into this island, which is the object of the watchfulness of the Government, that honours itself of nothing so much as that it do not fail in its treaties with other nations, nor consent that it should fail by those who are bound to fulfil its orders. The foreign flag with which the fraud is covered, according to the denunciations received, ought not to serve for its making to fall on the Government a toleration it does not afford, nor comport with its honour and dignity, nor as little on their authorities in this island, who abounding in their principles do not consent that the fraud be connived at or dissembled. For which to cut off at once all ground of complaint, I have determined to ordain—1st. That beyond the recognizance which the Government thinks proper to make of every vessel sailing from or entering in this port, it be ascertained always whether there are suspicions of the indicated traffic, and tokens being found of them, *prima facie* sufficient to declare them employed in this illicit commerce, they be detained at my disposal, for that the owner, consignee, or responsible person, suffer the penalties to which they have made themselves liable; and this recognizance be practised at the arrival of vessels, to whatever port or part of the coast of this island, and before its sailing to any other destination. 2nd. That it be communicated to the Most Excellent Senors, the Commandant-General of the Station, and Superintendent-General delegated of the Treasury, for that they please to circulate their orders the most positive to their subordinates, charging on them the most scrupulous attention in the despatching of the documents which are respectively necessary for every vessel in commerce of good faith, taking precaution they practise this recognizance leisurely, in order to avoid that with articles apparently of lawful traffic they disguise the sailing and entering of vessels that may be engaged in the trade with Africans, because it is the duty and honour of the authorities and their subordinates not to tolerate or connive at the practising a fraud contravening, more or less indirectly, the engagements of Her Majesty's Government. 3rd. That the local magistrates (pedaneos) and commandants of arms, in all the points and districts of the coast, redouble their zeal and vigilance, that there be effected no disembarkation or introduction of cargo, that vessels may attempt proceeding from Africa, or others that may assist them; and in the case of any presenting themselves, that immediately they detain them, and put in deposit their cargo, and arrest the crew and persons interested therein, giving me report for resolving on their disposal, and the punishment of the offenders. 4th and lastly. That, in practising these measures, they have with the commerce of good faith and honour all the considerations due to them by the laws; that, under the pretext of these provisions, the persons interested do not suffer any prejudice in their vessels, be they national or foreign.

The which I repeat to you, Sir, that it please you for your part to determine on the pressing orders for this object, whose interest is acknowledged in observance of the said Treaty, according to the repeated orders of the Supreme Government, giving them to your respective subalterns in order that they may co-operate, in this important service, with those who immediately depend on the Superior Government under my charge.

God preserve you many years.

(Signed)

GERONIMO VALDES.

Circular No. 3.

Havana, December 10, 1841.

THE repeated denunciations made by the English Commissioners and Consul of Her Britannic Majesty, of that some vessels under a foreign flag engage in the traffic reprobated by solemn Treaties between the Governments of their Catholic and Britannic Majesties, have particularly called my attention: and although from the investigations there have not been found legal data to determine on special proceedings against specified persons, I have withal fully resolved to have fulfilled the engagements contracted by the Supreme Government; and in obedience to repeated orders, that at all costs I take care of their observance; I have resolved to repeat the orders, for that there shall cease at once and disappear the fraudulent introduction (of negroes) into this island, in consequence of which, after having circulated what was fitting to the Most Excellent Senor the Commandant-General of Marine, and the Most Excellent Senor the Superintendent, in order that they may make it to their respective subordinates, I strictly charge on you, Sir, that you redouble your zeal and vigilance, that on no part of the coast be effected the disembarkation or introduction of a cargo of negroes proceeding from Africa; and in case of any vessel presenting itself, that you will immediately detain and arrest the crew and persons interested in it, putting the cargo in deposit, and will give me account for resolving, on the knowledge that I will not connive at the smallest negligence, toleration, or apathy on this particular.

God preserve you many years.

(Signed)

GERONIMO VALDES.

Circular No. 4.

Havana, January 6, 1842.

FROM the time I took possession of the command of this island, I fixed my attention on the religious fulfilment of the Treaties with Great Britain celebrated in 1817 and 1835, and I issued for that my circular of the 6th of May of the year last past, repeating the same determinations under the dates of the 1st and 10th of December last.

Particular interests, always directed to elude the observance of the laws and the vigilance of the Government, were put in action to contravene my watchful measures, directed to making disappear at once the inauspicious traffic in Africans, since I have seen with regret the denunciations which the British Commissioners have made me and continue making, the which I have procured to be sifted for investigating the truth, and to make fall the becoming punishment on the offenders. If the inquiries have not afforded me to this time data to make fall the judgment of the law upon any determinate person, I have determined, nevertheless, to carry into effect the object of the Treaties in all their extent, and to put an end to the traffic, without desisting an instant to impose a severe punishment, not only on persons who may employ themselves in it, but on whoever directly or indirectly may assist, protect, or connive at it; and for that, and after repeating the fulfilment of the anterior circulars, I have thought it right to dictate the following regulations:—

Art. 1st. That it be charged again on you, that you dedicate the most scrupulous zeal, energy, and vigilance in carrying into due fulfilment what was commanded in the said circulars, directed for the rigorous fulfilment of the Treaties with Great Britain, and to the observance of the repeated orders of the Supreme Government.

Art. 2nd. At the smallest complaint brought to my notice, of carelessness, toleration, or connivance, you shall be deprived of your office, placed by way of arrest in a prison or castle, although there be only moral conviction of the fault, for the time that may be necessary, without prejudice of submitting you also to judgment, according as for this has judged the political Government should impose on you the punishment which the laws provide.

Art. 3rd. In consequence of the above, you are not limited to apprehend on the coast of your command the negroes proceeding from Africa, and to detain and embargo the vessels that arrive there, but that you also proceed, without taking off your hand, to the searching after and apprehension of those who may have been disembarked, transmitting them with all security to this capital, as also the same with those in whose care they are found, including the persons who for the disembarkation or introduction should have given them assistance, or have received them into their houses, country estates, or barracoons, together with the summary proceedings.

Art. 4th. When there shall come to your knowledge any notice of the disembarkation, or approach to the coast, of any cargo of such negroes, or of any vessel employed in the reprobated traffic, you will advise without loss of time the authorities of all classes of the adjoining districts, for that all and each one, for his part, and under his responsibility, respectively proceed to its capture, giving me report straightforwardly, and at full, of whatever occurs on this particular.

Art. 5th. As the superior authorities of Marine and Treasury of this island have the same interest in that the treaties with friendly nations be observed, and the orders of the Supreme Government fulfilled, without any kind of dissimulation, and to them I give information of these my ordinances, to circulate them to their subordinates, you will assist them with your advice, and in demanding assistance, if you shall need it, as the same will proceed with you to effect with common accord fully the end which I direct; with which object I charge on you, Sir, moreover, that you observe and give me account of the least toleration, or carelessness, that occurs with the said subordinate officers of Marine and Treasury; as these will watch and give account to their respective chiefs of the fulfilment, or connivance, that may occur with you, which they will transmit, that I may do thereon what is worthy of consideration.

Art. 6th, and lastly. Of the receipt of this circular, to remain advised of its contents, and responsible for the fulfilment of what is provided therein, you will give me notice without loss of time, in order that under no circumstance you be able to allege ignorance.

God preserve you many years.

(Signed) GERONIMO VALDES.

Fourth Enclosure in No. 102.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, January 12, 1842.

We have had the honour to receive your official letter of the 10th instant, in reply to ours of the 8th, and favouring us with copies of four circulars which your Excellency has issued, since assuming the command of this island, for the suppression of Slave Trade.

We beg to say that we shall have great pleasure in forwarding these circulars to Her Majesty's Government, in testimony of your Excellency's desire to fulfil the treaties upon the subject. But we regret to have it our duty also to add that the Slave Trade appears to us notwithstanding to be prosecuted as openly and with as much impunity as ever. It is not for us to point out to your Excellency in what quarter the blame may lie; but it is a matter of perfect notoriety, that vessels are from time to time sailing hence fitted out for Slave Trade, apparently unrestrained; and others arriving with cargoes of Bozal negroes, who are lodged in the neighbouring barracoons without concealment, and portions constantly marched in files through the highways, conspicuous by their scarred faces, their shaven heads, and general appearance. We feel ourselves, therefore, warranted in unequivocally declaring that your Excellency, in being kept ignorant of these facts, must be grossly deceived by the subordinate officers of the Government.

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

(Signed)

We have, &c.

J. KENNEDY.

C. J. DALRYMPLE.

No. 103.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 21, 1842.**(Received February 28.)*

MY LORD,

WE have the honour to acknowledge our having received two Despatches from your Lordship, one dated the 30th October last, transmitting us five copies of sets of papers relating to Slave Trade, presented to the two houses of Parliament; and the other dated the 15th of December last, enclosing us copies of a correspondence with the Portuguese Government, respecting the conduct of Don P. Pluma, the Tuscan consul at this place, in granting papers to slave-vessels, and stating that the Portuguese Government has formally declared the consular documents furnished by M. Pluma to Portuguese vessels shall have no effect or validity as evidence of nationality.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 104.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 25, 1842.**(Received February 28.)*

MY LORD,

WE have the honour to enclose copies of a correspondence we have had with the Captain-General of this island, relative to the negroes termed Emancipados, who were found on board of captured slave-vessels, and declared entitled to their freedom by the Mixed Court of Justice, under the Treaty of 1817.

Having learned that the Captain-General, acting in subservience to orders from the Spanish Government, was proceeding to give full liberty to a number of the individuals of the class referred to, we thought it our duty to write to his Excellency on the 19th instant, requesting him to favour us with an authorised detail of his measures, to submit to Her Majesty's Government; but expressly on the ground of favour, as more advisable to have the information thus transmitted than through the Supreme Government. In his reply of the 21st instant, his Excellency accordingly informed us, that he was taking progressive measures to give their papers of freedom to the several individuals of the class of Emancipados, as upon examination they were found fitted to be intrusted with their liberty; so that, in the course of five years from the present, all the Emancipados in the island should obtain full enjoyment of freedom. His Excellency also gave us a list (enclosed) of 85 individuals to whom such tickets of freedom had already been delivered, of whom we observe that 30 were males and 55 females, to the latter being further added their 24 children. In our acknowledgment of the 24th, of his Excellency's ready attention to our request, we stated that we would take the earliest opportunity of remitting this information to Her Majesty's Government, without however venturing to take upon ourselves to anticipate what might be their opinions on the subject.

The Emancipados, your Lordship may remember to have been often stated, in the Despatches of Her Majesty's Commissioners, as hired out to different individuals, on the payment of certain sums of money, for different periods of years; which money was until now considered a perquisite of the Governor for the time being, though General Tacon, it is believed, expended what he received on this account on the public works, by which he sought to distinguish his Government. As the periods expired, the Emancipados were rehired out at other amounts, and thus it is evidently the view of the present Governor to

CLASS A.

allow the several periods to expire, by way of keeping faith with the individuals who so bought the services of those Emancipados.

But without wishing to dispute the rectitude of his Excellency's intentions, we cannot but observe the great injustice to this unfortunate class of persons, not only in being longer robbed of their rightful liberty, but also in being thus subjected to a course of servitude, which will be the more onerous as the masters look to no extension of possession, and therefore have less interest in their well-being. Many of these Emancipados have been in actual slavery, for fifteen, and even twenty years, and none since 1835, or say seven years since; so that it is idle to say they are not sufficiently reclaimed from their state of African barbarism. But supposing they are not, and that their emancipation would be dangerous or inconvenient to this community, why should the Government object to their being given up to the British Government, by whose cruisers they were all captured, and who are therefore bound in honour to see justice done them? We suspect that the real ground of objection to this course is, that it might lead to a detection of the immense frauds which have been practised, so as to make it impossible for any good account to be given of the negroes captured and delivered over. In this Government, where it has been the notorious practice for the Captain-General to receive head-money for the most flagrant violation of law and treaty obligations in the introduction of negroes, it cannot be a matter of surprise that the example should be imitated by every person who had it in his power, from his position, to participate in the crime. Thus we are fully able to believe the reports prevalent of numbers of the Emancipados having been actually sold into slavery by the Government, and of others falsely returned as run away, or dead, by the persons to whom they were intrusted. All such practices would of course stand a probability of being brought to light, were other than Spanish agency employed in inquiring into the state of the Emancipados; and however disagreeable it might be to this Government, we feel it but right to bring these considerations under your Lordship's attention.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 104.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, January 19, 1842.

HAVING understood that your Excellency has been issuing orders recently for giving liberty to the negroes termed Emancipados, taken from on board of captured slave-vessels, we beg leave respectfully to request your Excellency will be pleased to favour us with the particulars of the measures adopted, for the information of Her Majesty's Government, who are so deeply interested on behalf of those unfortunate persons. We venture to trust your Excellency will favour us in this respect, as it will be obvious that it would be more advantageous to be thus communicated than through the medium of the Supreme Government.

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

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

Second Enclosure in No. 104.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, January 21, 1842.

As in all the acts of my public life I have always endeavoured to fulfil the duties of the rank to which I have been appointed, it was one of my first cares, after I entered on the political and military Government of this island, to inform myself scrupulously, without prejudice, and with desires of the greatest certainty, of the state of the negroes called Emancipados, for the purpose of proposing to the Supreme Government of the nation becoming measures and conformable to their desires of humanity, and to their treaties, in order that, for their definitive resolution, they might adopt dispositions which, without compromising the public security, might proportion to those Africans the enjoyment of their liberty, in all its latitude.

His Highness the Regent of the kingdom, after the mature examination with which he proceeds in all his deliberations, has thought it right to empower me, for that in the period of five years, counted

from the beginning of the present, to place all the Emancipados in possession of their liberty, delivering to them their letters successively, in order that by this mode distributive justice may be conciliated, with the rational, which is required to be held in account, the state of education in which each one is found; giving room by this means for their going on progressively, seeking each what may be their mode of living honourable, industrious, and for their own benefit, an object which the Government cannot lose sight of, inasmuch as it is in its course to watch the conduct of all these inhabitants.

In fulfilment of the said precepts, I have given to this date 85 tickets of emancipation to so many individuals, as in detail is expressed in the account which I have the pleasure of enclosing you; and will continue in the same order successively, taking care to give you, gentlemen, equal information in fit time of those who shall be becoming favoured in future. By this proceeding, so that in the peremptory period of five years there will have obtained the complete use of their paper of freedom, all the emancipados that are in the island, I have the satisfaction of having employed, on my part, all the considerations to which I am impelled by humanity to secure the future well-being of this unfortunate class.

The which I state to you, gentlemen, in answer to your official letter of the 19th instant.

God preserve you many years.

(Signed)

GERONIMO VALDES.

Enclosure in the above.

LIST of EMANCIPADOS to whom have been given their respective Tickets of Emancipation, by order of the present Most Excellent Senor Captain-General, to this date.

Havana, January 21, 1842.

Names of the Emancipados.	Children of the Emancipados.		Nos.
	Names.	Age.	
Telesfora	Brig Firme 196
Monica	Schooner Santiago 27
Tomas	Brig Orestes 34
Eufemia	Schooner Santiago 46
Juliana	„ Gerges 213
Maria Antonia	„ Josefa 186
Felicitas	„ Gerges 244
Vicenta	Brig Intrepido 99
Nicolasa	Schooner Gerges 271
Santiago	„ Gerges 173
Juliana	„ Voladora 191
Maria de los Dolores	„ Callito 110
Casimira	Brig Magico 24
Agustina	„ Firme 479
Petronila	Schooner Emilio 117
Silveria	Brig Negrito 395
Eugenia	„ Magico 31
Desideria	„ Firme 482
Pablo	Schooner Emilio 13
Maria Cleofas	„ Gerges 223
Florencio	Brig Chubasco 1
Monica	„ Marte 287
Maria Jesus	„ Marte 261
Maria del Rosario	„ Firme 419
Margarita	„ Midas 110
Matilde	„ Midas 118
Maria Asuncion	Schooner Gerges 260
Aniceta	„ Santiago 37
Francisca	„ Santiago 43
Antonio Abad	Brig Intrepido 34
Faustina	„ Midas 108
Magdalena	Schooner Gerges 253
Agripina	Brig Campeador 193
Claudio	Schooner Voladora 279
Nicolas	Brig Negrito 285
Bonifacia	Schooner Josefa 180
Jacoba	Brig Magico 111
Pablo	Schooner Emilio 13
Gonzalo de Amaranto	Brig Negrito 8
Genoveva	„ Firme 415
Pilar	„ Magico 80
	Juan . . . . .	..
	Faustina . . . . .	..
	Florencia . . . . .	..
Tomasa	Dominga	6	Schooner Voladora 237
	Pio	3	
Marcelina	Brig Negrito 366
Genoveva	Schooner Josefa 124
Felipa	Brig Firme 283
Salustina	Dimas	4	„ Negrito 385
	Maria Antonia	1½	

Names of the Emancipados.	Children of the Emancipados.			Nos.
	Names.	Age.		
Diego . . . . .	. . . . .	..	Brig Relampago	113
Elena . . . . .	. . . . .	..	Schooner Gerges	264
Desiderio . . . . .	. . . . .	..	„ Gerges	114
Bernardina . . . . .	. . . . .	..	Brig Intrepido	125
Dorotea . . . . .	. . . . .	..	„ Negrito	335
Eulogia . . . . .	. . . . .	..	Schooner Emilio	63
Mateo . . . . .	. . . . .	..	Brig Negrito	449
Maria de la Concep- cion.	. . . . .	..	„ Firme	396
Matilde	José	5	„ Firme	470
	Dominga	3		
Timoteo . . . . .	. . . . .	..	„ Aguila	195
Isidoro . . . . .	. . . . .	..	„ Magico	151
Leon . . . . .	. . . . .	..	„ Intrepido	41
Matilde	Isabel Marina	11	Schooner Gerges	217
Ines . . . . .	. . . . .	..	Brig Negrito	328
Prisciliano . . . . .	. . . . .	..	Schooner Emilio	3
Leoncio . . . . .	. . . . .	..	Brig Orestes	103
Marina	Nicolasa	7	Schooner Gerges	248
	Joaquin	4		
	Matea	3		
	Florentino	1		
Florencio . . . . .	. . . . .	..	Brig Firme	42
Marcelina	Merced	14	„ Orestes	15
Venancio . . . . .	. . . . .	..	Schooner Indagadora	71
Simona	José Clemente	5	Brig Magico	59
	Candida	2		
	Fecla	3 mths.		
Marcos . . . . .	. . . . .	..	Schooner Voladora	178
Genoveva . . . . .	. . . . .	..	„ Voladora	94
Canuto . . . . .	. . . . .	..	„ Indagadora	17
Benito . . . . .	. . . . .	..	„ Indagadora	73
Crispin . . . . .	. . . . .	..	Brig Orestes	123
Maria de la Luz . . . . .	. . . . .	..	„ Magico	46
Maria Loreto . . . . .	. . . . .	..	„ Firme	398
Margarita . . . . .	. . . . .	..	„ Magico	51
Telesforo . . . . .	. . . . .	..	Schooner Manuelita	4
Maria Isabel . . . . .	. . . . .	..	„ Josefa	200
Rufino . . . . .	. . . . .	..	Brig Negrito	186
Marcos . . . . .	. . . . .	..	„ Firme	427
Petronila	Anacleto	4	Schooner Gerges	233
Jacinta . . . . .	. . . . .	..	„ Emilio	170
Faustina . . . . .	. . . . .	..	Brig Orestes	4
Felipa . . . . .	. . . . .	..	„ Negrito	363
Rosa	Ramon	9	„ Magico	64
	Francisco	7		
	José	6		
	Francisca	2		
	Catalina	1		
Faustina . . . . .	. . . . .	..	„ Relampago	23

Total—85 Emancipados, and 24 Children.

(Signed) FRANCIS GARNICA, *Secretary.*

Third Enclosure in No. 104.

Her Majesty's Commissioners to the Captain-General.

Havana, January 24, 1842.

MOST EXCELLENT SIR,

We beg to acknowledge the receipt of your communication of the 21st instant, detailing the measures intended to be adopted respecting the captured negroes remaining here as emancipados, and enclosing us a list of 85 individuals, who, with their 24 children, have already received their papers of liberty. We will take the earliest opportunity of transmitting this information to Her Majesty's Government, without however taking upon ourselves to anticipate their opinions on the subject. Meanwhile we beg to express to your Excellency the assurances of our high personal consideration.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

No. 105.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 26, 1842.**(Received February 28.)*

MY LORD,

WE believe the following was the only vessel despatched hence during the last month that may be pronounced intended for Slave Trade:—

December 31st.—For Monte Video, Portuguese schooner "*Fortuna*."

During the latter part of the month two vessels arrived, the "*Tres de Febrero*" and the "*Segunda Union*," from the coast of Africa, bringing together, it is said, about 1000 negroes, the particulars of which have been detailed in our previous Despatch of the 17th instant. We are glad however to add that the Circular of the 6th instant, enclosed in that same Despatch, is universally considered here as evidence of the Captain-General's intention to put an end to the Slave Trade; and two lots of newly introduced Africans have been, it is said, already seized in consequence. One of these was at Trinidad de Cuba, and the other near this place, on an estate belonging to the Senores Menendez and Mendive, so that we trust good faith may at length be observed with England in respect of the Treaties for the suppression of Slave Trade.

In the beginning of the last month we may also add that the newly appointed United States Consul, Mr. Calhoun, arrived and assumed the duties of that office, in the place of Mr. Trist.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

No. 106.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, January 31, 1842.**(Received February 28.)*

MY LORD,

WE feel assured that your Lordship will receive with the highest satisfaction the enclosed copy of a letter we have received from his Excellency the Captain-General, stating that, in consequence of the strict orders circulated by him, 150 Africans had been seized in the island, and by him declared free, but that, as they did not know the language of the country, or any mode of obtaining a livelihood, he had placed them for five years, the males under the charge of the Junta de Fomento, and the females at the Casa de Beneficencia. The first is an association for the promotion of public undertakings, of which the Captain-General for the time being is the head; and the second is a house for orphans, exceedingly well conducted, so that we do not know how the poor Africans could have been here better disposed of. The Captain-General observes that as yet the inquiries had not ascertained the vessel they came in, or the place of disembarkation; but probably in a future case the civil authorities may be more successful, if their conduct in this instance be rewarded. At any rate we are glad to have the dealers find every insecurity in their dealings, so as to deter them from such speculations. The loud complaints of this "robbery," as they term it, are a proof of the effect it is calculated to produce; and robbery certainly it will be if the same course be not in future strictly pursued. We therefore trust that the Captain-General has committed himself to right, so far as to be unable to draw back, and consequently that we may hail this event as the commencement of the effectual suppression of Slave Trade.

In our reply of the same date we stated that we would take the earliest opportunity of forwarding his Excellency's communication to Her Majesty's Government, who we felt convinced would receive it with the highest satisfaction.

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

The Right Hon the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 106.

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

GENTLEMEN,

Havana, January 29, 1842.

As a result of the strict orders that I have circulated to all the subordinate authorities for extinguishing the traffic in slaves, there were seized on the 17th instant 150 Africans in the quarter of Majana, district of Pendercias, without their having been able to ascertain to this time the vessel or place of disembarkation. The corresponding judicial proceedings in proof of this circumstance being concluded, they (the negroes) have been all declared by me free, as of yesterday's date; but in consideration of their not possessing the language of the country, nor any kind of employment for gaining a livelihood, I have determined that for the period of five years they be delivered, the males to the Junta de Fomento, and the females to the Real Casa de Beneficencia, where they will be educated unto the putting them in a position to maintain themselves for themselves freely.

The which I have the pleasure of communicating to you, Gentlemen, for your information.
God preserve you many years.

Her Britannic Majesty's Commissioners, (Signed) GERONIMO VALDES.
&c. &c. &c.

Second Enclosure in No. 106.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, January 29, 1842.

We have had the honour to receive your Excellency's official communication of this date, informing us that, in consequence of the strict orders given in the circular of the 6th instant, 150 newly introduced Africans had been seized, and by your Excellency declared free; but on account of their ignorance of the language of the country, or of any means whereby to obtain a livelihood, they had been placed by your Excellency for five years, the males under the charge of the Junta de Fomento, and the females at the Casa de Beneficencia.

We beg to return your Excellency our due acknowledgments for this communication, which we feel assured will afford great satisfaction to Her Britannic Majesty's Government, to whom we will take the earliest opportunity of transmitting it.

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

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

No. 107.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, February 21, 1842.

MY LORD,

(Received April 4.)

DURING the last month there was but one vessel despatched hence under circumstances to make us suspect it was intended for Slave Trade, namely—

19th January.—For Rio Janeiro, Portuguese schooner "*Maria Segunda*."

During the month also there was but one vessel arrived, the "*Felicidade*," said to have been engaged in Slave Trade, though we have not been able to learn any particulars of the transaction. We have heard however there was a cargo of 300 Africans landed during the month near Matanzas, but our information of it was not confirmed by other inquiries, so as to authorize us in addressing the Captain-General on the subject.

The celebrated slave-vessel "*Venus*," otherwise the "*Duquesa de Braganza*," which sailed hence only on the 15th November last, has been for about a week

past off the coast, waiting for instructions from her owners where to land a cargo she has brought, it is said, of 800 negroes. But as the authorities are all prepared to seize them, they have been sent away, no one hazarding a guess where. On the 18th a signal was made at the Moro, of an English brig-of-war chasing a Spanish brig, which every one pronounced to have been the "*Venus*." From her light build, however, and well-known sailing qualities, we fear there was small chance of capture, of which we should no doubt have now heard had it been effected: a Spanish steamer-of-war, which was sent out to reconnoitre, returned without having ascertained any further particulars. We trust we may repeat our hope that the Slave Trade is put an end to, as far as the present Captain-General has it in his power; but as there can be no security for the continuance of such a policy, it is evident that its recurrence must be constantly guarded against.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRMYPLE.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 108.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, March 3, 1842.

(Received April 4.)

MY LORD,

WE have the honour to enclose a further list, being the second, of emancipated Africans, under the Treaty of 1817, to whom the Captain-General has ordered to be given up their certificates of Freedom. This list comprises 136 individuals with 66 children, making a total of 202 Emancipados and 90 children who have now been put in full possession of their liberty.

We enclose also with the list a copy of his Excellency's letter on the subject, and of our reply in acknowledgment.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

First Enclosure in No. 108.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 1, 1842.

I HAVE the pleasure of enclosing you the list of the emancipated negroes, to whom have been given up their certificates of freedom from the 22nd January to the end of February last, in which are also included the children they have had, with the object of making this known to you, leaving it to remit to you notice of the others that shall be so disposed of in succession.

God preserve you, &c.

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

(Signed) GERONIMO VALDEZ.

Enclosure in the above.

List of the EMANCIPADOS to whom have been given up their respective Certificates of Emancipation by order of the Most Excellent the Captain-General, from the 22nd of January to the end of February, both included, of the present year (1842).

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Maria de Jesus	José Olaifo, 11 months	Voladora	179
Cayetano	.	Gerges	181
Luciana	.	Relampago	81
Prudencio	.	Intrepido	48
Cirilo	.	Orestes	89
Cayetano	.	Magico	84
Ursula	.	Gerges	356
Gregorio	.	Manuelita	320
Flora	Hipolito, 11 years Carlota, 1 year.	Fingal	47
Maria del Rosario	.	Voladora	289
Guillermo	Tomasa, 3 years	Josefa	198
Casimiro	.	Midas	45
Salustino	.	Orestes	82
Petronila	José, 4 years	Santiago	32
Paulina	Matilde, 10 years Josefa, 3 years. Ma. de la Cruz Merced, 3 m.	Campeador	205
Catalina	Adelaida, 3 years	Firme	282
Tiburcio	.	Josefa	82
Monserate	Ursula, 11 years José Dionisio, 3 years.	Campeador	47
Pedro Alcantara	.	Voladora	265
Limbano	.	Firme	275
Leonor	Luis, 3 years Macximo, 3 months.	Magico	44
Florencio	.	Magico	99
Clara	Desiderio, 3 years Rafaela, 3 months.	Gerges	259
Juliana	.	Midas	99
Brigida	José, 12 years	Magico	21
Domingo	.	Firme	193
Gervasio	.	Magico	148
Nestor	.	Firme	46
Felix	.	Campeador	31
Gavina	Maria de la Luz, 7 years José, 4 years.	Firme	227
Faustino	.	Intrepido	37
Petrona	José, 7 years Teresa, 1 year.	Magico	54
Ines	.	Intrepido	68
Bernardo	.	Magico	15
Sebastian	.	Firme	44
Zacarias	.	Negrito	261
Maria de la Purificacion	Maria Antonio, 5 years Maria Leocadia, 2 months	Voladora	185
Manuel	.	Firme	1
Rufina	.	Negrito	420
Rafaela	Maria Marta Beatriz, 1 yr.	Magico	55
Barbara	Matilde, 10 years	Voladora	321
Paula	.	Voladora	183
Micaela	.	Magico	50
Teresa de Jesus	Justa, 4 years	Negrito	469
Andres	.	Negrito	266
German	.	Negrito	241
Gregorio	.	Planeta	102
Basilia	José, 3 years Gertrudes, 1 year.	Negrito	
Aniceta	Maria Lugarda, 6 years Maria Carlota, 2 years. Nazaria, 4 years	Gerges	226
Serafina	.	Gerges	270
Eulogio	.	Magico	154
Martina	.	Diligencia	75
Homobono	.	Orestes	139
Monica	.	Gerges	227
Buenaventura	.	Manuelita	336
Anaclea	José Eusevio, 6 years José Eleno, 3 years Micaela, 9 months. Gregorio, 8 years Paulina, 7 years.	Negrito	406
Genoveva	.	Firme	195

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Cayetano . . . . .	. . . . .	Firme	194
Isabel . . . . .	. . . . .	Magico	37
Maria Trinidad . . . . .	. . . . .	Aguila	488
Anastasia	Manuel, 7 years	Gerges	224
	Martin, 6 years.		
Fabian . . . . .	. . . . .	Relampago	14
Miguel . . . . .	. . . . .	Orestes	112
Anastasia	Maria Cruz, 5 years	Midas	131
	Matilde, 2 years		
	Cayetano, 5 months.		
	Juana de la Rosa, 5 years		
Maria de la Circuncision		Negrito	324
Sebastian . . . . .	. . . . .	Magico	138
Nicolas . . . . .	. . . . .	Voladora	231
Juana	Benito, 10 years	Firme	406
Cipriano . . . . .	. . . . .	Aguila	411
Atilano . . . . .	. . . . .	Gerges	302
Lino . . . . .	. . . . .	Orestes	110
Cleto . . . . .	. . . . .	Voladora	95
Polonia . . . . .	. . . . .	Midas	104
Basilia . . . . .	. . . . .	Midas	130
Escolastica . . . . .	. . . . .	Voladora	189
Martina . . . . .	. . . . .	Intrepido	72
Canuta . . . . .	. . . . .	Josefa	126
Cristina	Felicia, 5 years	Aguila	508
Casimira	Francisco, 4 years	Firme	234
	Feliciano, 8 months.		
	Ma. de los Angeles, 6 years		
Cleta	Emeterio, 2 years.	Josefa	165
Abraan . . . . .	. . . . .	Magico	8
Pedro . . . . .	. . . . .	Emilio	98
Eloisa . . . . .	. . . . .	Firme	291
Eusevia	Rosario, 9 years	Midas	112
	Julian, 2 years.		
German . . . . .	. . . . .	Indagadora	118
Baldomero . . . . .	. . . . .	Gallito	47
Rosalia	Guillermo, 2 months	Campeador	40
Tomasa	José Nicasio, 10 years	Firme	238
	José Crescencio, 6 years		
	Mariana, 4 years.		
Maria de los Angeles . . . . .	. . . . .	Aguila	512
Juan . . . . .	. . . . .	Isabel	4
Angela . . . . .	. . . . .	Campeador	164
Ines . . . . .	. . . . .	Firme	478
Agustina . . . . .	. . . . .	Emilio	179
Baldomero . . . . .	. . . . .	Josefa	47
Margarita . . . . .	. . . . .	Santiago	64
Valentin . . . . .	. . . . .	Negrito	290
Catalina	Rafael, 5 years	Joaquina	156
Norverto . . . . .	. . . . .	Voladora	132
Juliana . . . . .	. . . . .	Negrito	339
Encarnacion	Eusevia, 2 years	Carlota	147
Monica	Catalina, 2 years	Joaquina	158
Mariana	José Atanasio, 2½ months	Josefa	160
Mauricio . . . . .	. . . . .	Negrito	450
Isidora . . . . .	. . . . .	Magico	39
Alejandro . . . . .	. . . . .	Firme	99
Romualdo . . . . .	. . . . .	Emilio	33
Severo . . . . .	. . . . .	Negrito	264
Candido . . . . .	. . . . .	Firme	309
Eusevia . . . . .	. . . . .	Negrito	345
Matilde	Wenceslao, 9 years	Voladora	206
Marcos . . . . .	. . . . .	Firme	100
Catalina	Felix, 5 years	Rosa	279
	Maria Rosario, 10 months.		
Maria de la Luz	Juana, 9 years	Intrepido	128
	José, 3 years		
	Hilario, 2 years		
	Regino, 6 months.		
Cosme . . . . .	. . . . .	Manuelita	396
Meliton . . . . .	. . . . .	Voladora	51
Vicente . . . . .	. . . . .	Intrepido	18
Francisco José . . . . .	. . . . .	Joaquina	310
Damaso . . . . .	. . . . .	Negrito	287
Pedro . . . . .	. . . . .	Josefa	105
Marcos . . . . .	. . . . .	Orestes	76
Tomasa	José Camilo, 4 years	Negrito	353
	Polonia Dolores, 3 years.		

CLASS A.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Severa	Campeador	162
Casto	Midas	187
Gabriel	Midas	57
Andres	Midas	189
Laureano	Midas	190
Benito	Voladora	74
Guillermo	Voladora	153
Andres	Voladora	164
Laureano	Voladora	190
Juan	Emilio	7
Nicanor	Emilio	9
Benito	Emilio	72
Julio	Jouquina	89
Ildefonso	Gallito	22
German	Negrito	465

Total 136 emancipados with 66 children.

69 Males.

67 Females.

136

(Signed)

FRANCISCO GARNICA,
Secretario del Gobierno politico.

Havana, March 1, 1842.

Second Enclosure in No. 108.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, March 2, 1842.

WE have had the honour to receive your Excellency's official communication of yesterday's date, transmitting us a further list of emancipados to whom your Excellency has been pleased to give their respective certificates of emancipation. We shall have great pleasure in forwarding this communication to Her Britannic Majesty's Government, and beg to return your Excellency our due acknowledgments in reply.

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

(Signed)

We have, &c.

J. KENNEDY.
C. J. DALRYMPLE.

No. 109.

Her Majesty's Commissioners to the Earl of Aberdeen.

MY LORD,

Havana, March 5, 1842.

(Received April 4.)

WE have had the honour to receive your Lordship's Despatch, dated the 31st December last, transmitting us a copy of further instructions from the Lords Commissioners of the Admiralty to Her Majesty's cruizers, respecting the conduct to be pursued towards vessels hoisting the United States' flag, for which we beg to return our due acknowledgments.

We have, &c.

(Signed)

J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 110.

Her Majesty's Commissioners to the Earl of Aberdeen.

MY LORD,

Havana, March 7, 1842.

(Received April 4.)

WE have the honour to report that yesterday, the 6th instant, the Spanish brig of war "*Cubano*" entered this port, bringing in as prize a slave-vessel, with, as we are informed, 380 Africans on board. The slave-vessel, we understand, was sailing under the Portuguese flag, and if no evidence shall appear sufficient to bring the case within the jurisdiction of the Mixed Court, we pre-

sume that it will be condemned as one engaged in contraband traffic. We have not yet heard from the Captain-General on the subject, but his Excellency will no doubt take the first opportunity of communicating his decision, which will therefore have to be reported to your Lordship in a subsequent Despatch.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.

&c. &c. &c.

No. 111.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, March 12, 1842.

(Received April 22.)

MY LORD,

WE have great satisfaction in having it in our power to report that we believe no vessel entered this harbour, or sailed hence, during the last month, suspected of being engaged in Slave Trade. The "*Duquesa de Braganza*," otherwise the "*Venus*," arrived off the coast, it is said, about the 14th February, with as many as 800 negroes on board, but the proprietors, having notice they would be seized on landing, ordered the vessel away, and no further information respecting her has transpired. One account states that the negroes were taken back to their own country; but we think it more probable that the "*Venus*" may be sent to some one of the innumerable unfrequented creeks or keys of the island, whence the poor Africans may be smuggled at intervals, and in small numbers, under various pretences, into the interior; a plan which no vigilance may be able to defeat, if skilfully followed, but which will leave the traders no profit in their speculation. In fact the trade seems universally to be considered at an end, and much satisfaction on that account is expressed. If it should prove so, we may observe with what ease it was to be effected, and how culpable therefore must have been those former governments that permitted it to continue so long in open defiance of their laws and treaties. We understand also that during the last month instructions were received from the several Powers of Europe to their respective Consuls at this place, forbidding them directly or indirectly to be holders of slave property, which instructions we hope will be faithfully obeyed, as evidence to this community of the state of opinion on the subject in Europe.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.

&c. &c. &c.

No. 112.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, March 14, 1842.

(Received April 22.)

MY LORD,

IN our Despatch of the 7th instant we had the honour to report the capture of a slave-vessel by the Spanish brig of war "*Cubano*," and of its arrival in this port the day preceding. We have now further to report that on the same day, the 7th instant, the Captain-General referred the case to the Mixed Court, which accordingly met on the 8th to receive the evidence and examine the papers of the vessel, from which it appeared that it was Portuguese property, and sailing as the "*Aurelia Felis*," under which name it was brought

before the Mixed Court at Sierra Leone on the 11th February, 1839 (See Slave Trade Papers for that year, Class A, p. 98). At that time it was restored to its owners with costs, and the decision of the Court was approved by Viscount Palmerston's Despatch of the 16th December, 1839 (*ibid* p. 107). In the present detention the fact of Slave Trading could not be disputed, a cargo of Africans having been found on board; and the crew, it appeared, having run the vessel on shore, all escaped, so that the Court had no evidence before it except the ship's papers, which were of the same character as when before the Court at Sierra Leone. Being however in the Portuguese language, it was necessary to have them translated; and as it was also intimated that if any of the crew should be afterwards captured they should be sent on from Santiago de Cuba, in which neighbourhood the detention was made, the Court adjourned till the 12th instant to give time for these objects. On that day, none of the crew having been produced, and no reason given to give a different character to the former evidence, the Court came to the decision that it had no jurisdiction in the case, as being a Portuguese vessel, and remitted the negroes again therefore to the disposal of the Captain-General.

Not having had time to make translations of the evidence and sentence, these must form the subjects of a subsequent Despatch.

We are glad to have it in our power to say that we learn from the Marquis de Esteva, the Spanish Judge, that the vessel will be condemned by the Captain-General as having been engaged in unlawful traffic, and the negroes will be liberated under regulations similar to those of the late cases of newly introduced Africans seized by order of his Excellency.

We have, &c.

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

The Right Hon the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 113.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, March 16, 1842.

(Received April 23.)

MY LORD,

WE have the honour to enclose copies of two letters we have received from the Captain-General of this island, dated the 14th instant, one informing us of his having declared free 104 Africans who had been taken on the 10th of February, in the jurisdiction of Cuba, recently introduced from Africa; and the other of his having likewise declared free 49 other Africans, taken under similar circumstances on the 28th of February, in the district of San Marcos; but adding that he had placed all under tutelage for five years, they being at present ignorant of the language of this country, or of any means whereby to obtain a livelihood.

In our answer of the 15th instant to these communications, we stated that we would take the earliest opportunity of making known these facts to Her Majesty's Government, and returned our due acknowledgments for his Excellency's attention.

The 104 negroes first referred to were part of the cargo of the Portuguese schooner "*Aurelia Felis*," and had been landed before the boats of the Spanish brig-of-war "*Cubano*" had reached it. The other (49) negroes were, we believe, part of the cargo of the "*Venus*," of which we understand our suspicions were correct, that they would be landed in small numbers, as expressed in our Despatch of the 12th of March instant.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 113.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 14, 1842.

THE corresponding proceeding having been substantiated for deciding on the civil condition in which should remain the negro Africans seized in the district of Damajayabo, jurisdiction of Cuba, by the territorial judges, on the 10th day of February last, and proved in that they had just been fraudulently introduced, I have, of this date, declared free 70 negroes who are at present in this city, and 34 who were left sick at Santiago de Cuba, whom I have also ordered shall be forwarded to this capital; but in consideration of their not having knowledge of the language of the country, nor of art nor business whereby they may be able to gain their livelihood, they shall remain for five years under tutelage, in order that they may be educated unto the being able to maintain themselves freely.

I have the satisfaction of communicating this incident to you, Gentlemen, as a new proof of the interest which I take in carrying into full effect the prohibition of the traffic in slaves.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Second Enclosure in No. 113.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 14, 1842.

ON the 28th of February last 49 bozal negroes having been apprehended in the district named Gegenes, by the Lieutenant who acted as Captain in the division of San Marcos, under suspicion of their having been recently introduced into the country, and to which gave rise the flight of the men who were conducting them on seeing arrive the authority of the district, I directed the instituting of the corresponding proceedings; it having then resulted that they were bozales recently brought, and consequently having right to be considered free, in such view, and without prejudice to continuing the search for apprehending those who may be the perpetrators of this crime, and others who may have come, I have this day declared the 49 negroes referred to free from slavery; but considering that they do not possess the language, nor art or business calculated to proportion them a livelihood, they will be kept five years under tutelage, that they may be taught and acquire the knowledge necessary for their being able to maintain themselves freely.

I have the pleasure of communicating this to you, Gentlemen, for your information.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Third Enclosure in No. 113.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, March 15, 1842.

WE have had the honour to receive your Excellency's two official communications of yesterday's date, respecting the seizure of 104 newly-introduced Africans in the jurisdiction of Cuba on the 10th of February, and of 49 other newly-introduced Africans found in the district of San Marcos on the 28th of February, with your Excellency's disposition of them for their future condition.

We beg to return our due acknowledgments for your Excellency's attention, and will take the earliest opportunity of making known these facts to Her Britannic Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 114.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, March 17, 1842.*

MY LORD,

(Received April 23.)

WE have the honour to submit copies of a correspondence we have had with his Excellency the Captain-General, relative to the Africans brought to this island in the Portuguese slave-vessel "*Aurelia Felis*." The particulars of the case of that vessel we have already reported in our Despatch of the 14th instant, in which we stated that the Mixed Court, not having jurisdiction respecting it, had remitted the case to the Captain-General as the competent authority to decide upon it. This was on the assumption that his Excellency would condemn the vessel, as one taken employed in unlawful traffic in the Cuban seas, and would declare the Africans brought therein entitled to their freedom. But as this declaration might be clogged with onerous restrictions, and as this Government has always affected a disinclination to have any addition made to the number of free persons of colour in the island, we thought it right to address a letter to his Excellency on the 14th instant, as soon as might be after the sen-

tence of the Court was signed on Saturday, the 12th, to request—1st, that his Excellency would be pleased to favour us with an early notice of the determination come to respecting the vessel, which we took for granted would be condemned as engaged in unlawful traffic; and 2nd, to say that, if his Excellency felt any disinclination to add further to the number of free persons of colour in the island, then that we felt ourselves warranted in offering to take charge of them, to be sent by Her Majesty's Superintendent of Liberated Africans to some one of the British colonies in the West Indies.

To this letter the Captain-General returned an immediate answer of the same date, communicating a copy of an answer he had that day also returned to Her Majesty's Consul, Mr. Turnbull, who had made application to have both the vessel and negroes delivered up to the commander of Her Majesty's ship "Tweed," to be sent for adjudication to Jamaica, and which application his Excellency refused on the ground of its being a case only for his own determination. His Excellency, however, added to us, that he would duly acquaint us with his determination, in proof of the readiness of the Spanish Government not only to fulfil the Treaty entered into with Great Britain, but also to carry into effect whatever measures were analogous to the objects the two contracting nations had in view when they entered into it.

In our reply of the 15th instant we returned our due acknowledgments, and repeated our full conviction that his Excellency would take such steps respecting it as would meet the justice of the case.

We trust your Lordship will judge us warranted in making this application for the negroes of the vessel; which we did, not on the assumption of any right, but as supposing that this Government might be desirous to be relieved of them, and in reality to rescue them from that state of bondage to which as "emancipados" they will probably be subjected. With regard to the vessel, we could put in no claim, and undoubtedly good policy would require that it should be given as prize to the officers and crew of the capturing brig-of-war "*Cubano*," as an incentive to the Spanish navy to continue the same course. Though it may appear a trivial circumstance, yet, to show that there is no disinclination in the Spanish navy to capture slave-vessels, we would state that, when the "*Cubano*" entered this port with her prize, upon passing the admiral's ship, the crew of the former manned the yards and gave three cheers, which were answered after a short interval from the other. This was no doubt in anticipation of the prize-money, and even from that motive was gratifying, considering such incentives are also held out to the British navy, who have no feeling of favour on the other side to make them disinclined to the duty.

As a precedent to the present case, we would point out to your Lordship that of the Portuguese slave-vessel "*Maria de la Gloria*," taken with 401 negroes on board by the Spanish brig-of-war "*Marte*," and brought before the Mixed Court in July, 1824; and which, upon being remitted by the Mixed Court, as beyond its jurisdiction, was confiscated by the then Captain-General of this island. Respecting that case, Mr. Commissioner Kilbee wrote (see Slave Trade Papers 1824-5, p. 106), "I should not have hesitated in applying to the Government here to have the vessel in question handed over to one of His Majesty's ships of war, for the purpose of being carried to Sierra Leone or Rio Janeiro for adjudication, if I considered for a moment that I were warranted in making such an application, and that there was any probability of its being acceded to."

Mr. Canning, in his reply (ibid. p. 125), after concurring generally in the views taken of the case of the "*Maria de la Gloria*," observed, with regard to Mr. Kilbee's representations of the negroes found on board, "that the slaves in this case have not come strictly under the provisions of the Treaty, and the mode of distributing them does not, therefore, afford at present grounds for any representation on the part of His Majesty's Government."

We think it right, however, to call your Lordship's attention to these several circumstances, trusting we shall meet your Lordship's approbation, as having acted according to the spirit of our instructions.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

First Enclosure in No. 114.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, March 14, 1842.

THE Mixed Court of Justice having declared itself incompetent to decide on the case of the Portuguese schooner "*Aurelia Felis*," which your Excellency had pleased to lay before it, and being fully assured that your Excellency will take immediate steps with regard to the condemnation of the vessel for being engaged in unlawful traffic, and also for the liberation of the Africans found on board, we beg respectfully to request your Excellency will favour us with a knowledge of your determinations on the subject for the information of Her Majesty's Government. We feel assured your Excellency will only take such measures hereon as will meet the justice of the case; but should your Excellency be unwilling to take charge of so many newly introduced Africans, as additions to the coloured population of the island, we beg to say that we feel ourselves authorized in expressing our conviction that the British Government will approve of our receiving them from your Excellency, to be forwarded by Her Majesty's Superintendent to one of the British Colonies in the West Indies.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 114.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 14, 1842.

To the Consul of Her Britannic Majesty I have written of this date the following:—

"SIR,—I have not had come to my hands the declaration which you inform me the Mixed Court of Justice has made respecting the capture of the schooner "*Aurelia Felis*," and the Africans it had on board; but in case that it arrives, and is conceived as you indicate, I will do what is becoming respecting the civil condition in which the individuals captured are to remain, and the fate which should be given the vessel, holding in consideration for this effect that, if the prize be not found comprehended in the stipulations of the Treaty of 1835, as the declaration of the Court will suppose, it is the exclusive recognition of the Spanish government to resolve what it esteems proper, for the same reason that, as you signify in your letter of this date, the determination would have fallen on the Court established at Jamaica, in case the schooner had been seized by an English vessel. The which I say to you, in answer to your communications upon this particular, adding that in no case will it be in my power to accede to the request you have made me to give up the individuals in question, or the captured vessel, to Commander Douglas."

And I transmit this to you, Gentlemen, in answer to your letter of this date, assuring you that I will opportunely give you information of the determination that I shall agree to respecting the persons taken, with no other object than that of proving that the Government of Her Catholic Majesty neither limits itself to fulfilling religiously what was stipulated in the treaty of 1835, nor finds it inconvenient to give you notices, which, although they cannot be exacted conformably to it, are analogous to the object which the two contracting nations proposed to themselves in entering upon it.

God preserve you many years.

(Signed) GERONIMO VALDES.

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

Third Enclosure in No. 114.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, March 15, 1842.

WE have had the honour to receive your Excellency's letter of yesterday's date, in reply to ours of the same day, respecting the disposal of the Portuguese schooner "*Aurelia Felis*," and the bozal negroes illicitly brought in the same from the coast of Africa.

We beg to express our due acknowledgments for your Excellency's intimated intention to make us acquainted with the resolutions adopted respecting them, and further to repeat our full conviction that your Excellency will only adopt such measures as will meet the justice of the case.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.His Excellency the Captain-General,
&c. &c. &c.

No. 115.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, March 21, 1842.

(Received April 23).

MY LORD,

WE have the honour to submit to your Lordship's notice copies of a correspondence we have had with Mr. Consul Turnbull, respecting the Portu-

guese slave-vessel "*Aurelia Felis*," the case of which we have reported to your Lordship in our Despatch of the 14th instant.

On the 10th instant we received a letter from Mr. Turnbull, with reference to that case, requesting, "if it should be brought before the Mixed Court for adjudication, that timely notice might be given him, in case it should appear that a Spanish character could not be fixed upon her." This was written, as he stated, "on the assumption that it was Portuguese, and not liable to condemnation by the Mixed Court, nor by the ordinary tribunals of the country."

In our reply of the same date we informed him accordingly that the case had already been brought before the Court, on the 8th, when it appeared that a Spanish character could not be fixed on the vessel.

On the 14th of March instant we received another letter from Mr. Turnbull, on the supposition that the Court had not pronounced sentence on the case, requesting us, 1st. To move the Court to pronounce its decision without further delay; and, 2nd. To engage our Spanish colleagues to join in requesting the Captain-General to send the case for adjudication before a British tribunal, under charge of a British ship of war then in the harbour.

To this letter we replied that the sentence of the Court had been signed two days previously; and, with regard to the other suggestion, that we had already written to the Captain-General on the subject, who would no doubt take such steps respecting it as would meet the justice of the case. This was in reference to the subject of our previous Despatch of the 17th of March instant.

Upon the receipt of this communication Mr. Turnbull made another application to the Captain-General to have the "*Aurelia Felis*" delivered up to the commander of Her Majesty's ship "*Tweed*," to be carried to Jamaica for adjudication, as he stated to us in his letter of the 15th, in which he requested us again to join him in such an application. This was on the supposition, as he states, "that the Spanish Government had never asserted or exercised the right of detaining slave-vessels when sailing under the flag of Her Faithful Majesty, and might be called on to answer to the Government of Portugal, in case of its confiscation."

But Mr. Turnbull seems to have overlooked the fact that a slave-vessel might be detained, not as a slave-vessel on the open seas, but as one found engaged in illegal traffic in the Cuban waters; and we, therefore, in pointing out this circumstance to Mr. Turnbull, added that there were two cases of slave-vessels having been so confiscated by this Government, one under the Portuguese, and the other under the American flag.

Upon this Mr. Turnbull wrote us another letter of the 17th instant, requesting us to furnish him with the names, dates, decisions, and other particulars of the two cases we had referred to, with the addition of an observation, "that, in the event we contemplated as desirable, of leaving the case to the Captain-General, the unhappy captives would be reduced to a condition far more miserable than that of ordinary slavery."

Not knowing the objects Mr. Turnbull might have in view, and therefore not considering ourselves answerable for them, we yet thought it right to make full communications to him of whatever he might request; and accordingly, in our reply of the 18th instant, we gave him all the information in our power respecting the two cases we had referred to; but after correcting the construction he had erroneously put upon our remarks, concluded with stating, that we would take the earliest opportunity of reporting the whole correspondence to Her Majesty's Government, and would suggest to him the propriety of confining himself to the like course also.

In conformity with this intimation, we therefore respectfully submit these circumstances to your Lordship's notice, trusting your Lordship will be of opinion that we acted rightly in following the course adopted with respect to the Portuguese slave-vessel "*Maria de la Gloria*," as modified by our application to the Captain-General of the 14th instant, as we have already detailed in our preceding Despatch of the 17th of March instant.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

First Enclosure in No. 115.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 9, 1842.

As Her Majesty's steam-ship "Hydra," duly licensed for the detention of vessels engaged in the Slave Trade, happened to be in this harbour at the time that a slaver carrying the flag of Portugal was brought to the Havana, a prize to a Spanish brig of war; I lost no time in consulting with Commander Murray on the subject, and in afterwards addressing a letter to the Captain-General, in which, on the assumption that the slaver was Portuguese, and that, if so, she would not be liable to condemnation by the Court of which you are members, nor by the ordinary tribunals of the country, I offered, with his Excellency's permission, to request Commander Murray to carry the prize for adjudication before a British Court of Admiralty.

To this letter I have received for answer, not a refusal of my offer, but a renewal of a former intimation, that, as Her Majesty's consul, I have no right to address his Excellency on such a subject. Now, if this slaver shall prove to be Portuguese, I apprehend that your right to deal with her will be equally denied by the Spanish authorities; and the sad alternative will be reserved for the victims, of restoration to the master of the slaver, or of condemnation to that worst species of slavery which is known in this country by the name of "Emancipacion."

I beg leave to add, that I have placed myself in communication with Admiral Sir Charles Adam on this subject, and, if the slaver should be brought into your Court for adjudication, I have the honour to request that I may have timely notice, in case it should appear that a Spanish character cannot be fixed upon her.

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

I have, &c.
(Signed) DAVID TURNBULL.

Second Enclosure in No. 115.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, March 10, 1842.

WE have received your letter of yesterday's date, requesting that timely notice may be given you, if the slaver lately captured by the Spanish brig of war "Cubano" be brought for adjudication before the Mixed Court, in case it should appear that a Spanish character cannot be fixed upon her; and in reply we have to inform you, that the case was referred to the Mixed Court by the Captain-General on the 7th instant, and that on the 8th the Court met thereon, when it appeared that a Spanish character could not be fixed upon her.

D. Turnbull, Esq.,
&c. &c. &c.

We are, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Third Enclosure in No. 115.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 13, 1842.

ON receipt of your letter of the 10th instant, informing me that a Spanish character cannot be fixed on the slave-schooner detained by the "Cubano," I availed myself of the presence of Her Majesty's ship "Tweed," to write to the Captain-General, renewing the offer I had previously made to his Excellency to send the prize before a British Court of Admiralty for adjudication.

Having waited till yesterday without receiving any answer to this offer, Commander Douglas was good enough, at my suggestion, to repeat it; and to his letter an answer has since been returned, in which his Excellency excuses himself for the delay which has taken place in answering my letter of the 10th, by declaring that he cannot come to any resolution on the subject of my proposal until he has received an answer to his message of the 7th instant to the Court of which you are members.

As the prolonged detention of the "Tweed" would be attended with inconvenience to the public service, the immediate object of her visit to the Havana being already accomplished, I have the honour to request that the Court be moved to report, *quam primum*, to the Captain-General, in terms of your letter to me, that a Spanish character cannot be fixed on the prize. And inasmuch as the Court, although incompetent to adjudicate in the case, may still, if not judicially, at least in the name of the members of which it is composed, in their simple ministerial capacity of Commissioners, Spanish as well as English, for the suppression of the Slave Trade, conveniently and effectually assist in preventing the escape of the criminals, and securing the liberation of the captives, by addressing themselves to the Captain-General, recommending his Excellency, in terms of my repeated suggestions, to consent that the captives and the prize be delivered up to the commander of the "Tweed," who will readily undertake to carry them without delay before a British Court of Admiralty for adjudication.

I am persuaded, gentlemen, that you will have no difficulty in lending me your assistance on this occasion; 1st. In moving the Court, in its judicial capacity, to pronounce its decision on the case brought before it without further delay;—and 2nd. In engaging your Spanish colleagues to join with you, when you transmit your judgment to the Captain-General, in recommending the course which is so evidently suggested by the spirit of the Treaty, the great objects of which it is your common duty to promote.

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

I have, &c.
(Signed) DAVID TURNBULL.

CLASS A.

Fourth Enclosure in No. 115.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, March 14, 1842.

YOUR letter of yesterday's date was received at Mr. Dalrymple's house at a late hour last night, requesting us, 1st, to move the Court of which we are members to pronounce its decision on the case of the slave-vessel brought in here by the "*Cubano*," without further delay; and, 2nd, to engage our Spanish colleagues to join in recommending the Captain-General, in accordance with your suggestion, to deliver the captives and prize to Her Majesty's ship "*Tweed*," to be taken to Jamaica for adjudication.

In reply we have to inform you, that the sentence of the Court was signed the day preceding, the 12th instant, and has no doubt been transmitted to the Captain-General in due course before now. With regard to your other suggestions, we have to state that we have written to his Excellency this day on the subject, and we have no doubt that he will take such steps respecting it as will meet the justice of the case.

We are, &c.

(Signed)

J. KENNEDY.
C. J. DALRYMPLE.D. Turnbull, Esq.,
&c. &c. &c.

Fifth Enclosure in No. 115.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 15, 1842.

ON receiving your letter of yesterday, informing me that the sentence of the Mixed Court, declaring its own incompetency in the case of the "*Aurelia Felis*," which was adopted on the 8th instant, had been signed on the 11th, and had been communicated "in due course" to the Captain-General, I lost no time in renewing my application to his Excellency that the "*Aurelia Felis*" and her captives should be delivered up to the commander of Her Majesty's ship "*Tweed*," who was ready to take charge of them, and carry them to Jamaica for adjudication.

To this letter I have received for answer, that the sentence of the Court has not yet been communicated to the Captain-General; the consequence of which has been that his Excellency is now disposed to answer my application hypothetically, and to say that, if your sentence shall prove to be such as it has been described, his Excellency will not consent to part either with the captives or the prize, on the erroneous supposition that our British Courts of Admiralty possess no powers but such as originate in the treaties to which Spain is a party; and that the ordinary tribunals of this country enjoy with them, in all such cases, an equal and co-ordinate jurisdiction.

On this point I have endeavoured to set his Excellency right; and if his intention be, as you suppose, to "meet the justice of the case," at least you will agree with me, that up to the present occasion the Spanish Government has never asserted or exercised the right of detaining vessels engaged in Slave Trade, when sailing under the flag of her Most Faithful Majesty; and that the Government of her Catholic Majesty will thus be placed in the dilemma of being called upon to answer, either to Her Majesty's Government, for a violation of the spirit of existing treaties, in case the "*Aurelia Felis*" be suffered to escape, or to the Government of Portugal, in the event of her confiscation.

It is under these circumstances that I have the honour to claim your assistance, and, through you, that of your Spanish colleagues, in disabusing the mind of the Captain-General of the very serious error into which he appears to have fallen.

I have, &c.

(Signed)

DAVID TURNBULL.

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

Sixth Enclosure in No. 115.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, March 16, 1842.

WE have received your letter of yesterday's date, again requesting us to join you in calling upon the Captain-General to send the slave-vessel "*Aurelia Felis*" to Jamaica, to be tried before a British tribunal, upon the ground that up to the present occasion the Spanish Government has never asserted or exercised the right of detaining vessels engaged in Slave Trade, when sailing under a foreign flag; and in reply we have to inform you that we think the case one which should be left to the Captain-General, who we understand will condemn it as found engaged in contraband traffic in the Cuban seas. With regard to your assertion that such a right has never been before asserted or exercised, we have to inform you that there are two instances of this Government having brought slave-vessels detained with bozal negroes on board before the Mixed Court, one under the Portuguese, and the other under the American flag.

We are, &c.

(Signed)

J. KENNEDY.
CAMPBELL J. DALRYMPLE.David Turnbull, Esq.
&c. &c. &c.

Seventh Enclosure in No. 115.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 17, 1842.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, declining to lend me the assistance I have taken the liberty to claim of you, with reference to the "*Aurelia Felis*" and her captives, on the ground that the Captain-General is to have the vessel condemned as having been engaged in contraband traffic in the waters of this island.

I regret exceedingly the view you have taken on this subject, as it is but too manifest that, in the event you contemplate as desirable, the unhappy captives will be reduced to a condition which, under the name of "*Emancipation*," is, as you well know, far more miserable than that of ordinary slavery.

But without troubling you with the discussion of a point on which you appear to have made up your minds, I beg to be permitted to ask for the particulars of the two cases of slave-vessels to which you refer, the one Portuguese, the other American, as having been brought by this Government before the Mixed Court, after having been detained with bozal negroes on board. I should be glad to know the names and dates in each case, the decisions of the Court in each, and the ulterior disposal of the detained vessels, the criminals, and their captives, as these facts will be of great use to me in farther dealing with the case of the "*Aurelia Felis*."

I have, &c.

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

(Signed) DAVID TURNBULL.

Eighth Enclosure in No. 115.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, March 19, 1842.

WE received yesterday your letter of the 17th instant requesting us to give you the particulars of two cases of slave-vessels to which we had referred in ours of the 16th, as having been brought by the Spanish Government before the Mixed Court for having been detained with bozal negroes on board, one under the Portuguese and the other under the American flag; and in reply we have to inform you that the first case was that of the "*Maria de la Gloria*," in July, 1824, with 400 negroes, the particulars of which are to be found in the Slave Trade Papers for that year. Of the second there is no account in the Slave Trade Papers, nor in our archives, but it was an anterior case of an American vessel named the "*Thistle*," and exists in the archives of the Court. Of neither have we any further official account.

With respect to the case of the "*Aurelia Felis*," we wish to observe that you mistake the purport of our last letter in saying "we contemplate the event as desirable, of the unhappy captives being reduced to a condition which, under the name of '*Emancipation*,' is far more miserable than that of ordinary slavery." This is not a correct deduction. Our observation that the case was one which should be left to the Captain-General applied to the case generally, upon the understanding that the vessel would be condemned as a contraband trader, as this Government has an undoubted right to do, according to the laws of all nations, and was not intended with regard to the captives especially, for whom we have made official application to his Excellency to have them sent to a British colony.

Our correspondence with his Excellency on the subject, as well as the present with you, we will take the earliest opportunity of transmitting to Her Majesty's Government, and suggest to you the propriety of confining yourself to the same course also.

We are, &c.

David Turnbull, Esq.
&c. &c. &c.(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

No. 116.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, March 23, 1842.

(Received April 23.)

MY LORD,

WE have the honour to enclose a copy of a communication we have received from the Captain-General of this island, dated the 20th instant, informing us of his having, of that date, declared as good prize the Portuguese schooner "*Aurelia Felis*," for having been found without lawful motive off the coast of Cuba, and for having landed thereon 110 bozal negroes, in contravention of the laws of Spain. His Excellency further states, that he had also declared free 178 negroes found on board, in addition to the others landed, of whom we have already reported in our Despatch of the 16th instant; but that, as they were all ignorant of the language of the country, or of any means whereby to obtain a livelihood, he had placed them under tutelage for five years, in order that they might be educated in religion and morals, and become enabled to maintain themselves for their own advantage when free.

Having already reported respecting the case and condition of these unhappy individuals, we have here only to add our full hope and conviction that the present Captain-General will strictly carry into effect the obligations of the Treaty, and whatever others may arise analogous to it. But as his Excellency's Government may be of only a limited duration, and no reliance can be placed on the character of his successors, we would respectfully suggest that an understanding should be entered into with the Government of Spain that these captives shall be fully liberated at the end of their apprenticeship, and not subjected to any unnecessary renewal.

In our answer of the 21st instant we contented ourselves with repeating our due acknowledgments, and with stating that we should have great pleasure in forwarding his Excellency's communication to Her Majesty's Government by the first opportunity.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 116.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, March 20, 1842.

AFTER the necessary proceedings instituted, I have declared of yesterday's date, and with the advice of the First Assessor, as good prize, the Portuguese schooner "*Aurelia Felis*," which had 178 Bozal negroes, taken by the brigantine of Her Catholic Majesty "*Cubano*," in consideration of its having been found despatched for the Canary Islands, and met with in these seas, without lawful motive, with a cargo of negroes; and because that, the trade in Africans having been abolished by the Supreme Government of the nation, it had disembarked 110 in the neighbourhood of the port of (Santiago de) Cuba, who were seized on shore by the local authorities. I have also declared free the 178 negroes, as the others have already been, subjecting them to an apprenticeship under masters for five years, on the terms which have been had with those previously captured, in order that they may be instructed in the language, in morals and religion, and in some art or business, which may enable them to acquire their livelihood freely.

I repeat this to you, Gentlemen, for your information, and in fulfilment of the promise I made you in my letter of the 14th instant.

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

God preserve you many years.

(Signed) GERONIMO VALDES.

Second Enclosure in No. 116.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, March 21, 1842.

WE have had the honour to receive your Excellency's official communication of yesterday's date, informing us of your having declared as good prize the Portuguese schooner "*Aurelia Felis*," which had been found in these seas with a cargo of negroes on board, in contravention of the laws of Spain; and also of your Excellency having declared free the 178 negroes found on board, in addition to the 110 previously landed from the same vessel, subject to the regulations considered necessary for enabling the said negroes to learn the means of obtaining a livelihood freely.

We beg to return our thanks in acknowledgment for this proof of attention, and shall have great pleasure in forwarding the communication to Her Majesty's Government by the first opportunity.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

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

No. 117.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, March 28, 1842.

MY LORD,

(Received May 10.)

WE had the honour in our Despatch of the 14th instant to report the circumstance of the Portuguese schooner "*Aurelia Felis*" having been brought,

by direction of the Captain-General, before the Mixed Court, which had remitted it to his Excellency, as not having jurisdiction in the case.

We have now the honour to enclose copies of the evidence, given by three of the officers of the Spanish brig of war "*Cubano*," and of the ship's papers found on board the slave-vessel, consisting of the register, muster-roll, and bill of health for the vessel, under its present name; and the register and muster-roll for it under a former name, the "*Restauracion*," which appears to have been given it for a short time, upon its being restored by decree of the Mixed Court of Justice at Sierra Leone, of the 14th February, 1839, as detailed in the Slave Trade Papers for 1839-40, Class A, p. 97. From the report of the case at Sierra Leone it appears that the person, Manuel de Jesus Silva, lately master of the "*Aurelia Felis*," was master also at that time; and as there seems then to have been no doubt entertained of the vessel being Portuguese property, the Court could have less hesitation in coming to the like conclusion upon the evidence produced on the present occasion.

We enclose also a copy of the sentence by which the case was remitted to the Captain-General, whose determination respecting it we have already reported in our Despatch of the 23rd March instant.

We have, &c.

(Signed) J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c. &c. &c.

First Enclosure in No. 117.

(Translation.)

Deposition of Don Francisco Garcia de Quesada, Lieutenant of the Royal Navy.

THAT he had the watch on board the Spanish brig of war "*Cubano*" on the 10th day of February last, from four to eight o'clock in the morning; that at the dawn a cry was given of a schooner on the starboard beam; that at seven and a half we were upon her, and the Commander ordered our flag to be displayed, to which the schooner answered with the French. She then luffed, and passed our bow, and made for the land, and we stood after her. At half-past eight, seeing she had taken in sail, we fired a cannon on the larboard, and, observing that she took no notice of it, fired some muskets with ball; and yet not taking notice, we called our people to arms, and fired several cannons of the battery on the starboard; and then the schooner ran herself aground on the beach, pulled down the French flag, and hoisted the Portuguese. In sequence we, to maintain ourselves on the windward, tacked, and fired from our larboard battery. Presently, having observed that she had grounded, we ceased firing, put three boats down into the water, with armed men and officers—the deponent, with the order to take possession and man her, and the Ensigns of the navy, Don Marcellino Saavedra, and Don Celestino Rebollo, this last going on the vanguard. When they came within gunshot, seeing the crew and various negroes throw themselves into the water, and a boat grounding on the beach, they fired off at them several shots of musketry, and in sequence mounted on board to seize the negroes that were upon deck. Deponent arrived second, with the same object of taking possession of the vessel, and in a few moments the rear-guard of Don Marcellino Saavedra. That they proceeded then immediately to get the vessel afloat, which they could not do immediately, as the tide was ebbing, and the schooner had struck in high water, with the wind blowing on the land. They caught two negroes, who called to them from the shore; emptied part of the water-pipes. They laid out two anchors from the poop, with their chains, and they hooked on the tackling. That at midday the Ensign of the Navy, Don Marcellino Saavedra, left the schooner to inform the Commander of what was done, and to show the state of the vessel, which was then with 14 inches of water in the hold. That about one and a half in the afternoon arrived the second boat, and the small one, with the marine-guard, Don Juan Pita, and the third boatswain, Antonio Hernandez, with orders, the first, to send the negroes and effects, all they could, to the brig, and do whatever was possible to get off the vessel. That they sent off to the brig 158 negroes, and an infant at the breast, and some effects, leaving on board ten of those most capable of assisting in the labours. At three they raised the anchor on the starboard side, and put it out further by the poop. That at seven the chains at the poop began to tighten, and all the part of the vessel from the prow to the midships being afloat, they made all possible efforts, and at eight and a half they found themselves already afloat, and hoisted a lantern to the top to indicate it to the brig. They raised the anchor which was out at the larboard side, and, pulling on the other, proceeded to draw out the vessel, to be able to navigate her. At eight and a half the Ensign of the navy, Don Celestino Rebollo, went to notify to the Commander what was done, and to deliver the papers found in the schooner. At ten and a half, the wind being rather fresh on shore, they made sail in search of the brig, which they saw at eleven by the larboard side, and continued on till the dawn, when they passed under her stern, and he told the Commander that the vessel was without difference as to the water, as it made only one inch and a half water per hour. That he followed the movements of the brig, and, at eleven o'clock of the morning of the 11th, seeing it steer for the port of Cuba, followed in its wake, and anchored there by the larboard about midday of the 11th; and after a little while received on board all the negroes. That he has nothing more to add, and that this is the truth, which upon being read over to him he affirms and ratifies, and said that he was 30 years of age, &c.

(Signed) FRANCISCO GARCIA DE QUESADA.

Don Marcellino Saavedra, ensign of the Royal Navy, confirmed this deposition.

Don Celestino Rebollo, ensign of the Royal Navy :—That he was on deck on board the "*Cubano*," on the 10th of February, at a quarter past eight, and saw a schooner, with the French flag, pass their bow, and make for the land; that they set their lower sails to examine her, and at half-past eight they saw her shorten sail, and a boat under her poop; we fired a cannon on the larboard, and, seeing she took no notice of it, fired several muskets with ball; still seeing that neither for this she varied her course or sail, signal for combat having been sounded, deponent went to his post; the battery of the starboard having been opened, several cannons were fired, when he saw the French flag lowered, and the Portuguese put up, and she luffed towards the land; for the purpose of not falling to leeward of her, we then put about, and fired from the larboard battery; but observing that she had grounded on the beach, the commander ordered to cease firing, and to hoist out and man the third and fourth boats. Deponent having been employed in the larboard gangway, hastening the manning of the last, the commander sent him at the moment at which it was loosed out, with the order to take possession of the schooner, which he effected forthwith, with five sailors armed with muskets; he directed himself to the said vessel, and when within shot fired several muskets; seeing some people, white and black, throw themselves into the water, and run for land, and a boat, moreover, making for the beach, as if in order to ground, being more near to her he knew her to be a slave-vessel; he then ran alongside, jumping on deck with the sailors of the boat; he found her abandoned by the crew, and the negroes all loose upon deck; deponent then proceeded to put the negroes below, the third boat, with the Lieutenant Don Francisco Quesada, coming a little after, with nine armed sailors, and the canoe, with the Ensign of the Navy, Don Marcellino Saavedra, also with armed men; he saw the said boat aground on the beach, where there were two negroes of those who had fled, who wished to come on board, and he brought them; the negroes having been put under deck, Don Francisco Quesada proceeded to see the state in which the vessel was aground, being the whole length; they put out an anchor astern, and, having sounded, they found 14 inches of water in the hold; they then proceeded to see if they could take her off, having put out the second anchor by the stern, but it had struck at high tide, and the water was already ebbing, so that they could effect nothing; about twelve the ensign, Saavedra, went from on board the said vessel, in the canoe, to relate what was done to the commander; in about an hour and a half arrived the second boat, with orders to remove the negroes to the brig, and all the effects they could, and the small boat with the marine guard, Don Juan Pita, and the third boatswain, Antonio Hernandez; they began then to embark the negroes in the second and third boats, sending them to the brig, between men, women, and children, 158, and one infant at the breast, leaving ten in the schooner to assist in working; sending various other effects which were returned to the schooner, and also the negroes, when they came to anchor in the port; in the evening they raised the anchor put out at the stern, at the starboard side, to give her more cable; at dusk they began to haul on the chain, feeling the vessel had some movement, and that she floated from the midships forward; about eight, they observed that she went forward afloat; this was about eight and a half, at which moment they put up a lantern at the maintop, to indicate it thus to the commander of the brig, and they saw the vessel had no more than seven inches of water; they raised the anchor which was out on the larboard side, hanging on the other, with about 20 fathoms; they then arranged the deck, and threw into the hold two cannons, which the vessel had, after they had emptied various pipes of salt water, which served as ballast; a little after, the deponent went from the vessel in the fourth boat, with six sailors, taking with him the papers (now produced) found in the vessel, belonging to her, and having arrived on board the brig he delivered them to the commander, notifying to him all that had passed, as said; the schooner was then put to sail; and deponent being on guard the next morning at eight o'clock, saw her near, and steering along with the brig to the port of Cuba, where she anchored a little after; that he has nothing more to add; that he has spoken the truth; and, it being read over, he affirms and ratifies it; being 25 years of age, &c.

(Signed)

CELESTINO REBOLLO.

Second Enclosure in No. 117.

(Translation.)

List of Ship's Papers found in the Slave Schooner "Aurelia Felis."

No. 1. Register of the Portuguese schooner "*Restauracion*," granted by José Gonzales Barboza, governor of Bissau, Cacheu, and its dependencies, dated the 10th of December, 1839, and stating the vessel to be the property of one Antonio Gomez, a Portuguese subject resident in Bissau, with licence, &c.

No. 2. Muster Roll of the vessel "*Restauracion*," signed "Lima, Secretary to the Government, Bissau, 10th December, 1839;" and naming as captain one Manuel José de Cunha; and as second, Manuel de Jesus Silva.

No. 3. Register of the Portuguese schooner "*Aurelia Felis*," granted by Antonio Fabares de Vega Santos, provisional governor of Bissau, Cacheu, &c., dated the 4th of January, 1842, and stating the vessel to be the property of "*Aurelia Correa*, a Portuguese subject, resident in Bissau," as the documents registered in this office testify; with licence to sail for one year along the ports of Africa, from Cape Blanco to the Cape Palmas, and in the Archipelago of the Cape Verd Islands, armed with two cannons, nine muskets, twelve swords, six pistols, and corresponding ammunition.

No. 4. Bill of health, given by José Fabarez de Almeida, director-interino of the custom-house of Bissau, &c., dated the 4th January, 1842, and stating the schooner "*Aurelia Felis*" had cleared out, as declared by the captain, Manuel de Jesus Silva, for the Canary Islands.

No. 5 is the muster-roll of the Portuguese schooner "*Aurelia Felis*;" captain and first mate, Manuel de Jesus Silva, signed by him, and dated 4th of January, 1842, and signed, as registered in the secretary's office, Bissau, same date, "Almeida," &c.

Certificate that the above-mentioned documents are faithfully translated from the Portuguese language into the Spanish, by direction of the Mixed Court of Justice.

Havana, March 11, 1842.

JOAQUIN JOSÉ GARCIA,
Knight of the Royal Order of Isabel la Católica, &c.

Third Enclosure in No. 117.

(Translation.) *Judgment of the Mixed Court in the Case of the "Aurelia Felis."*

In the always most faithful city of the Havana, 12th of March, 1842. The most excellent Señor, Don José Buenaventura Esteva, Marques de Esteva de las Dilicias, Count Palatine, Knight Grand Cross of the Royal and distinguished Orders of Charles III. and Isabel la Católica, &c., and James Kennedy, the Spanish and English Judges of the Mixed Court of Justice, established in this place for the abolition of Slave Trade, having considered the proceeding, in consequence of the capture of the "*Aurelia Felis*," with a cargo of bozal negroes, made by the Spanish brig of war "*Cubano*," on the waters of the Altares, the certificate of the Judge of Marine of Cuba of the death of three of the said negroes and the disembarkation of 34 sick, the official communication directed to this tribunal by the Most Excellent the Captain-General, of the 7th instant, transmitting these proceedings; and the other two notes of his Excellency, of the 8th and 9th instant, showing they had not succeeded in capturing the crew of the said vessel, by reason of their having thrown themselves into the water; which vessel was found completely abandoned by the said crew, as communicated to him by the General of Marine of this station, and the most precise inspection and examination having been also made of the papers sent by his Excellency the Captain-General, as found in the said vessel, written in the Portuguese language, and translated by the interpreter named for the purpose, Don Joaquin José García, honorary administrator of the post-office, consisting of a register and muster-roll of the Portuguese schooner "*Restauracion*," which the government of Bissau had passed the 10th December, 1839; another register and muster-roll of the Portuguese schooner "*Aurelia Felis*," also granted at Bissau the 4th of January last, and a bill of health of the proper date; from which documents it results that the said schooner and cargo are Portuguese property, without their being able to form fuller judgment, and to proceed according to the regulations of the Treaty of 1835 to have taken other information, on account of the precipitate flight of the individuals who composed the crew, in consequence of which, being unable to effect other diligence, the Judges declare that there is no legal proof but that the schooner "*Aurelia Felis*" is Portuguese; or any that the vessel, or the negroes found on board, belong to Spanish or British subjects; or that such are interested in any way, directly or indirectly, in them; and that consequently this Court, conformably to the said Treaty, abstains from continuing this proceeding as not appertaining to it, and orders that it be returned to his Excellency the Captain-General, that he may proceed thereon on his part with the documents and translations, leaving certified copies of them in their place to be filed herewith; as also that there be passed to his Excellency another copy of this sentence for the purposes for which there may be occasion; and this the said Judges signed the day present, as I, the secretary, certify.

(Signed) EL MARQUES DE ESTEVA.
J. KENNEDY.DR. JOSE ANTONIO VALDES, *Secretary.*

No. 118.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, April 3, 1842.**(Received May 10.)*

MY LORD,

WE have the honour to enclose a copy of a communication from the Captain-General of this island, giving us a statement of another list, being the third, of Africans emancipated by decree of the Mixed Court of Justice at this place, under the Treaty of 1817, to whom his Excellency has, during the last month, directed to be given up their certificates of freedom. This list comprises 102 individuals, with 33 children, making a total of 323 emancipados and 123 children who have thus been now put in full possession of their liberty.

We enclose also a copy of our reply to his Excellency in acknowledgment.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.*The Right Hon. the Earl of Aberdeen, K.T.*
&c. &c. &c.

First Enclosure in No. 118.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, April 1, 1842.

CONTINUING to carry into effect the order of the Supreme Government of the nation, I have given papers of freedom, in all the month last past, to 102 emancipados and 33 children, as shown by the list annexed, leaving to receive the same 35 others to whom I have conceded it, but who not having yet presented themselves, I will deliver it to them in the days following.

The which I state to you, Gentlemen, for your information.

God preserve you many years,

(Signed) GERONIMO VALDES.

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

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been given up their respective Certificates of Emancipation, by order of the Most Excellent the Captain-General, from the 1st of March to the end of the same.

Havana, April 1, 1842.

Names of the Emancipados,	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Patricia		Emilio	68
Coleta	Juana Bautista, 7 years Juan Nepomuceno, 3 years.	Gerges	215
Juan		Magico	110
Gavino		Orestes	203
Bernarda		Emilio	174
Eustaquio		Orestes	53
Basilisa		Josefa	159
Catalina		Isabel	8
Benito		Midas	73
Benigno		Negrito	233
Leonela		Santiago	70
Maria Purificacion		Intrepido	73
Polonia		Voladora	188
Pablo		Firme	166
Crescencia		Midas	135
Ciriaco		Magico	16
Margarita	Julian, 3 years	Planeta	196
Aniceta		Midas	134
Filomena	Lorenza, 7 years José, 4 years.	Magico	34
Aniceto		Manuelita	104
Luis Gonzaga		Negrito	146
Santiago		Negrito	101
Juan de Mata		Negrito	32
Romualdo		Negrito	31
Tomas		Firme	373
Joaquina		Voladora	216
Julia	Maria Regla, 8 years Miguel, 5 years Serafin, 14 months.	Intrepido	103
Concepcion		Magico	26
Maria Paula	Jorge, 2 years	Negrito	354
Lucia	Bonifacia, 9 years	Magico	82
Antonio		Firme	113
Nicolas		Manuelita	309
Teodosia		Santiago	30
Gavina	Ruperto, 3 years	Negrito	340
Norverta		Intrepido	131
Salomé	Carlos, 8 years	Gerges	319
Ana	Andres, 5 years Rita, 9 months.	Relampago	97
Rita	Lorenza, 3 years	Voladora	214
Olayo	Andres Ruvion, 7 years	Voladora	190
Basilio		Magico	11
Tomasa		Emilio	58
Jacunda		Santiago	75
Brigida	Cleofa, 4 years Maria Cruz, 6 months. Dionisio, 7 years José Benito, 7 years	Voladora	230
Maria Natividad		Gerges	217
Damiana		Firme	230
Margarita		Voladora	147
Juan Francisco		Negrito	243
Calisto		Agulla	246
Crispin		Emilio	56
Eusevia	Felicia, 8 years	Midas	162
Clotilde		Negrito	417
Ana		Voladora	106
Miguel Arcangel		Voladora	73
Francisco de Paula		Gerges	168
Alejo		Gallito	6
Severino		Midas	94
Maria de la Paz		Gerges	216
Tomasa		Gallito	131
Atilano		Midas	101
Agueda		Negrito	333
Purificacion	Antonio, 3 years	Negrito	377
Rita	Tiburcio, 4 years	Voladora	312
Isabel		Campeador	186
Modesto		Midas	121
Eustaquia			

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Catalina	Eligia, 9 years Vicente, 8 years Miguel, 5 years Quintina, 4 years.	Relampago	45
Gavina	Joaquina	133
Teresa	Negrito	351
Maria Belen	Midas	95
Juan Bautista	Voladora	152
Felicia	Feliciana, 2 years	Midas	166
Mariano	Magico	125
Bernardina	Josefa, 4 years Francisca, 13 months.	Negrito	376
Felix	Negrito	274
Laureano	Aguila	162
Simeon	Negrito	2
Julian	Negrito	25
José de Calasanz	Negrito	437
Estanislao	Indagadora	100
Anastasia	Francisca, 7 years José Benito, 7 days.	Intrepido	118
Gavino	Indagadora	36
Victoriano	Firme	245
Vicenta	Firme	208
Telesfora	Josefa	5
Arcadio	Josefa	12
Gumesindo	Josefa	13
Juan de Mata	Josefa	32
Cesareo	Josefa	42
Benigno	Voladora	31
Juan Bautista	Rosa	163
Sebastian	Relampago	15
Bastolomé	Firme	266
Ramon	Relampago	31
Fulgencio	Josefa	16
Juan de la Cruz	Manuelita	298
Severo	Emilio	6
Simeon	Voladora	2
Marcos	Negrito	238
Dionisia	Juan Francisco, 1½ years	Midas	126
Gumerindo	Negrito	326
Antonio	Midas	168
Encarnacion	Aguila	476

102 emancipados of both sexes, and 33 children which the females have had in addition to the 102 expressed.

(Signed) FRANC^o. GARNICA, *Secretario*.

Second Enclosure in No. 118.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, April 2, 1842.

WE have received your Excellency's official communication of yesterday's date, informing us of their certificates of freedom having been granted to 102 individuals of the class of emancipados, and also to their 33 children, with the further statement that your Excellency has extended the same privilege to 35 others of the same class, to whom like certificates will be delivered in due course.

We beg to express our acknowledgments in reply for this information, which we will take the earliest opportunity of transmitting to Her Majesty's Government.

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

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

No. 119.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, April 11, 1842.

(Received May 10.)

MY LORD,

WE have the honour to report, that during the last month we believe there was no vessel despatched hence intended for Slave Trade; but we regret

CLASS A.

to state, that we learn there was a cargo of about 300 negroes landed at or in the immediate neighbourhood of Bahia-honda, on this coast, at the close of the month.

Respecting this landing we made a communication to the Captain-General of the 5th instant, but have not yet received from his Excellency any reply. As, however, no doubt, investigations will have been directed into the circumstances denounced, these will have to form the subject of a subsequent Despatch.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 120.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, May 3, 1842.

MY LORD,

(Received June 11.)

WE have the honour to enclose a copy of another communication from his Excellency the Captain-General, giving us the list, being the fourth, for the past month, of the negroes emancipated by decree of the Mixed Court at this place under the Treaty of 1817, to whom their certificates of freedom have been given up. This list comprises 129 individuals, with their 48 children in addition, making a total of 452 emancipados and 171 children, who have been thus put in full possession of their liberty.

We enclose also a copy of our reply to his Excellency in acknowledgment of his communication.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 120.

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

GENTLEMEN,

Havana, May 1, 1842.

ANNEXED is the list of the emancipated negroes to whom have been delivered their certificates of liberty in all the past month of April last, including the children they have borne; the which I have the pleasure of making known to you, Gentlemen, with the same object I have had in my previous communications.

God preserve you many years,

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

(Signed) GERONIMO VALDES.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been given up their respective Certificates of Emancipation by order of the Most Excellent the Captain-General, from the 1st until the last of April.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Bonifacio		Firme	138
Silvestre		Negrito	301
Brigido		Magico	145
Cesareo		Negrito	217
Tiburcio		Manuelita	102
Susana		Gerges	231
Mariana	Luis, 5 years	Rosa	188
Maria Transito		Negrito	411
Juana		Orestes	5
Catalina	Desideria, 8 years	Santiago	33
Vidal		Planeta	95
Gavino		Relampago	25
Luisa		Negrito	396
Engracia		Joaquina	153
Emeteria		Firme	235
Monserate	Pedro, 12 years	Magico	79
Jacobo		Negrito	379
Gregorio		Negrito	296
Anastasia		Negrito	362
Beatriz		Negrito	419
Isidora		Firme	253
Telesfora		Aguila	453
Pastora	José, 2 years	Firme	472
Salustino		Planeta	126
Isidora		Joaquina	381
Ines	José Eustaquio, 5 years	Negrito	365
	José Laureano, 2 years		
Victor		Indagadora	51
Santiago		Santiago	1
Julian		Josefa	115
Coleta		Voladora	192
Agueda	Catalina, 7 years	Firme	217
	Gregoria, 5 years		
Lusana	Eduardo, 5 years	Intrepido	127
	Lugarda, 3 years		
Romualdo		Josefa	31
Rafael		Manuelita	272
Faustino		Firme	458
Regina	José Iginio, 7 years	Emilio	184
Matilde		Negrito	346
Claudio		Manuelita	280
Maria Luz		Joaquina	164
Andrea		Firme	215
Asuncion	Martina, 8 years	Negrito	374
	Dolores, 5 years		
Bernardina	Laureano, 8 years	Voladora	213
	Cristobal, 6 years		
Canuto		Negrito	316
Emeterio		Aguila	54
Marcelino		Josefa	121
Rufino		Carlota	60
Rufino		Relampago	108
Magdalena	Blass, 4 years	Rosa	207
Felipe		Firme	123
Justina	Bernardino, 3 years	Aguila	530
Pablo		Gallito	14
Alta Gracia	Enriqueta, 3 years	Manuelita	411
Anselma		Midas	138
Elena	Francisco Cristino, 1½ year	Voladora	218
Dorotea	Joaquin, 2 years	Santiago	55
Cesareo		Indagadora	39
Domingo		Voladora	110
Venancio		Josefa	74
Celestino		Emilio	74
Francisco		Gerges	138
Gavino		Gerges	141
Juan de Dios		Indagadora	50
Desiderio		Aguila	125
Pastora		Intrepido	96
Juana de Dios	Juan, 9 years	Santiago	42
	Rufino, 5 years		
Estefania	Ursula, 1 year	Magico	30

Names of the Emancipados.	Children that the Females have had with note of their Age.	Vessels in which they were brought.	Nos.
Micaela	Juan, 6 years Dolores, 4 years Celestino, 2 years.	Orestes	12
Sabina	Enriqueta, 4 years Leboria, 2½ years Unvason, 1 month.	Joaquina	305
Maria de la Paz	Macino, 6 years José, 1 year.	Aguila	462
Domingo		Manuelita	348
Olaya	Juan Bautista, 4 years Juan de Dios, 1 year. José Victoriana, 1½ year	Santiago	59
Maria Dolores		Indagadora	124
Agripina		Aguila	495
Dionisia		Josefa	155
Antonio		Aguila	146
Francisco		Gerges	301
Domingo		Santiago	9
Onofre		Voladora	138
Lino		Joaquina	235
Cepriano		Firme	296
Feliciano		Rosa	147
Marta	Eloisa, 1½ year	Negrito	418
Vicente		Carlota	151
Laureano		Midas	190
Blas		Emilio	31
Fernando		Manuelita	145
Maria Cruz		Santiago	97
Maria Pilar		Santiago	79
Jacinto		Negrito	191
Pablo		Negrito	48
Ceferino		Negrito	436
Victor		Negrito	54
Hepolito		Aguila	185
Felix		Indagadora	70
Tomas		Manuelita	323
Teodora		Firme	338
Geronimo		Manuelita	400
Buena Ventura		Voladora	171
Toribio		Aguila	95
Panfilo		Joven Reina	149
Escolastico		Negrito	337
Serafina	Tomas, 3 years	Rosa	262
Dolores	Francisco, 2 years José Dolores, 1 month.	Santiago	98
Bernardino		Indagadora	112
Ildefonsa	Rita, 8 years Juan, 10 months.	Firme	210
Bonifacia		Negrito	375
Proto		Firme	277
Francisco		Manuelita	408
Victor		Firme	57
Genoveva		Negrito	325
Maria Asuncion	Leonarda, 7 years Celestina, 5 years.	Firme	448
Justo		Josefa	117
Genoveva		Santiago	67
Maria Eusevia		Santiago	40
Josefa de Jesus		Firme	399
Catalina	Luis, 7 years	Magico	22
Margarita	Jacundo, 2 years	Negrito	341
Salome	Agustin, 3 years	Negrito	471
Maria Jesus	Leonarda, 6 months	Negrito	352
Felipe		Marte	230
Iginia		Santiago	69
Gavina	Juana, 5 years	Midas	109
Teodorio		Orestes	178
Melchor		Orestes	157
Fabian		Midas	17
Maria Encarnacion	Gervasio, 1½ year	Negrito	355
Agripina		Negrito	397
Libraba		Negrito	412
Basilia		Firme	257

Total, 129 emancipados, besides 48 children the females have had.

Note.—Of the 129, are 65 males and 64 females. Total, 129.

(Signed)

FRANCISCO GARNICA,
Secretary.

Second Enclosure in No. 120.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 2, 1842.

WE have had the honour to receive your Excellency's official communication of yesterday's date, enclosing us a list of the emancipated negroes to whom have been delivered their certificates of liberty during the month of April last past, being in number 129, with their 48 children in addition.

We beg to return our due acknowledgments in reply, and will take the earliest opportunity of forwarding this statement to Her Majesty's Government.

We have, &c.
(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

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

No. 121.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, May 4, 1842.**(Received June 11.)*

MY LORD,

HAVING received information, which we considered trustworthy, of the disembarkation of about 300 bozal negroes at Bahia-honda, or in its immediate vicinity, at the latter end of March last, we found it our duty to address a letter to the Captain-General of the 5th April, detailing the circumstances reported, and that they were alleged to have been brought on account of his Excellency Don Joaquin Gomez. To this letter we referred in our Despatch to your Lordship of the 11th of April last, and to it we had no reply from the Captain-General until now, when we received his answer of the 30th April, stating that he had directed investigations to be made, from which it appeared that no vessel had arrived at Bahia-honda suspected of Slave Trade, and no such disembarkation as we had denounced had been effected.

In our rejoinder we assured his Excellency that we would not have engaged his attention to any such denunciation, but upon information which we considered trustworthy; and that, with regard to the present case, the circumstances detailed were still universally credited in this city.

We regret to be obliged to say that we believe this investigation to have been totally illusory, and that the parties on whose account the negroes were brought were able, from their wealth and influence, to have succeeded in another violation of the laws on the subject, notwithstanding his Excellency's determined proceedings in prohibition. The evil has been so deeply rooted, and the connections of the Slave-trading community so widely extended, that we cannot be surprised to find an occasional evasion (however flagrant) of the law, though the chief government of the island may be entitled to just exculpation.

After sending our letter to the Captain-General, of the 5th of April, we received a letter on the subject from Mr. Turnbull of the 6th, and have therefore further to enclose copies of the Correspondence with him consequent thereon.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 121.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, April 5, 1842.

WE have received information, which we consider trustworthy, that about a week since there were landed at Bahia-honda, or in its vicinity, about 300 bozal negroes. It is also reported that they were brought on account of his Excellency Don Joaquin Gomez.

We think it right to repeat this statement, though we trust that, in consequence of your Excellency's strict orders to the subordinate officers of the Government, the necessary measures will have been already taken to meet this further flagrant violation of the laws.

We have, &c.
(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

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

Second Enclosure in No. 121.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, April 30, 1842.

FROM the moment I received your communication of the 5th instant, relative to the disembarkation in Bahia-honda, or its neighbourhood, of about 300 bozal negroes, I directed, conformably to the opinion given me by the First Assessor-General of this Government, that by the district Judges of the said port, of the district of St. Diego de Nunez, and the Commandant of Arms of Cabanas, proceedings should severally be instituted for the correspondent summary investigation.

These have been effected by each one of those, and forwarded for examination, and the First Assessor-General, being consulted, reports to me, it appears from them, that twenty witnesses have declared, the greater part of them fishermen and coasters of the coast, certifying, by their assertions, that there has not approached there any vessel suspected of slave-trade; that they have no knowledge, or the least idea, of there having been effected the disembarkation to which you allude, and that the information given you might have arisen, as has happened at other times, from their having seen arrive some square-rigged vessel to load molasses, a rare thing in that port, frequented commonly by smaller vessels which make a coasting-trade. On view of the whole, and in conformity with the opinion of the Assessor referred to, I have ordered the proceeding to be filed, communicating this to you, Gentlemen, for your information, and in reply.

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

God preserve you many years.

(Signed)

GERONIMO VALDES.

Third Enclosure in No. 121.

Her Majesty's Commissioners to the Captain General.

MOST EXCELLENT SIR,

Havana, May 3, 1842.

WE received, yesterday, your official communication of the 30th April, in answer to ours of the 5th of that month, stating, that in consequence thereof your Excellency had directed investigations to be made into the circumstances we had denounced, of the disembarkation of about 300 bozal negroes at Bahia-honda; and that, from the evidence taken, it appeared no vessel had arrived there suspected of Slave Trade, and no such disembarkation of negroes had been effected.

We assure your Excellency that we should be very unwilling to intrude any denunciation on your Excellency's attention, on any information but such as we considered trustworthy; and that, with regard to the present case, it is, as we stated it, still universally credited in this city.

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

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

Fourth Enclosure in No. 121.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, April 6, 1842.

I BEG to apprise you that I have received information of the recent landing of a cargo of 300 negroes at a place called El Corojal, in the partido de las Mangas; that a portion of them have been brought to the Havana; but that the greater part have been distributed among the plantations in the neighbourhood of Corojal.

I have already brought the facts connected with this infraction of the Slave Trade treaties under the notice of the Captain-General. I have called on him to send the case before your Court, and to have the criminals brought to punishment; and I have offered, as I did in the recent case of the "*Aurelia Feliz*," to take charge of the victims.

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

I have, &c.

(Signed)

DAVID TURNBULL.

Fifth Enclosure in No. 121.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, April 6, 1842.

WE have received your letter of this date, informing us of your having had information given you of the landing recently of 300 bozal negroes, and of your having entered into communication with the Captain-General respecting them.

Having received information to the same effect, we also have, in accordance with our duty, addressed his Excellency upon the subject.

David Turnbull, Esq.
&c. &c. &c.

We are, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

Sixth Enclosure in No. 121.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, April 8, 1842.

IN the house of Don Joaquin Andreu, a baker in the Plaza de Armas, there are two emancipados named Pedro and José, and a slave named Matias, who have all been treated with extreme severity.

The slave Matias having attempted his own life a few days ago, by cutting his throat, information was given of the fact by Pedro, the emancipado, to the Sindico; in consequence of which the baker Andreu is now offering him Pedro for sale as a slave.

These facts I have communicated to the Captain-General, and have offered to adduce the necessary evidence.

I find that in my letter of the 6th I omitted to mention that I am in possession of the names of the reputed importers of the cargo of slaves to which I then drew your attention; but as your information was, no doubt, as complete as my own, I need not now trouble you with idle repetitions.

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

I have, &c.
 (Signed) DAVID TURNBULL.

Seventh Enclosure in No. 121.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, April 9, 1842.

WE have received your letter of yesterday's date, informing us of two emancipados and a slave, in the house of Don Joaquin Andreu, having been treated with extreme severity, and of your having communicated the circumstances to the Captain-General; also observing that, in your letter to us of the 6th instant, you had omitted to mention the names of the reputed importers of the cargo of slaves to which you then drew our attention.

In reply, we have to observe, that, as you have called the Captain-General's attention to the circumstances first referred to, we presume proper investigations as to the truth will be duly directed.

With regard to the other fact, we have to state that, in our letter to the Captain-General of the 5th instant, repeating the information we had received, of a cargo having been recently landed on the coast near Bahia-honda, we did not neglect to add on whose account they were reported to have been brought.

David Turnbull, Esq.
 &c. &c. &c.

We are, &c.
 (Signed) J. KENNEDY.
 C. J. DALRYMPLE.

No. 122.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, May 5, 1842.**(Received June 11.)*

MY LORD,

WE have the honour to enclose copies of a correspondence we have had with Mr. Turnbull, respecting a demand he states to have been made on two emancipados of about seventy dollars each for their certificates of emancipation, on their making application to have these delivered up to them. Respecting this demand Mr. Turnbull states he had already written to the Captain-General, and we therefore presume that due investigation would be made into the circumstances. Not knowing them further than from his statement, we cannot judge of the matter; but they might probably prove to have been only the attempt at extortion of some persons of bad character who wished to defraud the poor negroes of money. For our parts, we know of no such demand, though we have ascertained the fact of many emancipados having obtained their certificates of freedom, of whom the Captain-General's list shows a total of 452 individuals during this year, as stated in our previous Despatch of the 3rd instant.

In our answer, therefore, to Mr. Turnbull of the 4th instant, we observed that we considered the circumstances he repeated such as ought to be made known to the Captain-General, and that we certainly should have done so had he not rendered our doing it unnecessary.

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

The Right Hon. the Earl of Aberdeen, K.T.
 &c. &c. &c.

First Enclosure in No. 122.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, May 3, 1842.

I beg to apprise you that I have received information that an emancipado named Felipe, to a memorial presented by him to the Captain-General at my suggestion, has received for answer that his certificate of emancipation will be delivered up to him on the payment of four and a half ounces of gold.

This emancipado was originally assigned to the late Don Mariano Ordanivez, a captain of dragoons, and since his death has fallen into the hands of his widow Donna Pasesita.

Having become possessed, by lawful means, about three years ago, of fourteen ounces of gold, and not being able, in his condition of emancipado, to purchase a portion of his freedom by the system of *coartacion*, as he could have done if a slave, he deposited the sum of 200 dollars in the hands of Don Mariano Ordanivez.

As soon as he received the answer from the office of the Captain-General, that his letter of emancipation would be delivered to him on the payment of four ounces and a half, he applied to Donna Pasesita Ordanivez to enable him to satisfy the demand. But it appears that that lady is not willing to part with the money, and I have therefore thought it my duty to address the Captain-General on the subject.

I have also addressed his Excellency on behalf of another emancipado, named José Maria Nunez, who had in like manner applied for his certificate, and had received a similar answer, that it would be delivered to him on the payment of four ounces of gold. This person was originally assigned, not less than fifteen years ago, to Donna Concepcion Nunez, and has since fallen into the hands of that lady's son-in-law, Don Gabriel Seidal, who, hearing of the emancipado's application to the Captain-General, has thought fit to put him in the stocks, and now holds him a prisoner in that situation without any legal authority. José Maria Nunez is also enabled, by the liberality of a friend whose confidence he enjoys, to pay the sum demanded at the office of the Captain-General; and in communicating this fact to his Excellency I have applied for the redress to which the sufferer seems entitled.

With regard to the emancipado Pedro, one of the two held in servitude by Don Joaquin Andreu, I now enclose a copy of the letter of licence, which serves to prove an attempt on the part of that person to sell Pedro as a slave. The original is now in my possession, and I have communicated a copy of it to the Captain-General.

I have, &c.

(Signed) DAVID TURNBULL.

*Her Majesty's Commissioners,
&c. &c. &c.**Enclosure in the above.*

Habana, y Abril 7 de 1842.

Doy licencia a mi sierbo Pedro de nacion Congo, de oficio Panadero sano y sin tachas en la cantidad de cuatro cientos cincuenta pesos libres; valiendole lo presente por tres dias contados desde hoy.

(Signed) JOAQUIN ANDREU.

Second Enclosure in No. 122.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, May 4, 1842.

WE have received your letter of yesterday's date, informing us of two persons of the class of emancipados having applied to the Government for their certificates of freedom, and of their having received for answer that they should be delivered up to them on the payment of specified sums of money. You enclose us also a copy of a licence granted to another emancipado by Don Joaquin Andreu, in terms which convey the supposition of his being attempted to be considered a slave.

You state that you have communicated these circumstances to the Captain-General, to whom we certainly think they ought to be made known, and we should have followed that course had you not rendered our so doing unnecessary.

*David Turnbull, Esq.
&c. &c.*(Signed) We are, &c.
J. KENNEDY.
CAMPBELL J. DALRYMPLE.

No. 123.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, May 11, 1842.

(Received June 11.)

MY LORD,

DURING the last month we believe no vessel arrived here, or in the neighbourhood, or was despatched hence, under suspicion of being engaged in Slave Trade. We have heard, however, that the "*Venus*," otherwise the

"*Duquesa de Braganza*," respecting which we detailed the reports then current in our Despatch of the 12th of March last, has returned to the coast of Africa, but under what circumstances we are unable to state. It is certain that she has not entered this harbour; and if the parties succeeded in disembarking the negroes (800 in number) she was said to have brought, it must have been at a distance from this city, or we could scarcely have failed to have heard some of the particulars.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 124.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, May 12, 1842.

(Received June 24.)

MY LORD,

WE have the honour to acknowledge having received your Lordship's Despatch, dated the 23rd of March last, transmitting us a printed copy of the Treaty signed the 20th of December, 1841, by your Lordship, on the part of Her Majesty, with the plenipotentiaries of Austria, France, Prussia, and Russia, for the Suppression of Slave Trade.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 125.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, May 31, 1842.

(Received June 24.)

MY LORD,

WE have the honour to enclose copies of several letters that have passed between us and Mr. Turnbull respecting the cases of some emancipados which he had previously brought under the notice of the Captain-General, on the ground of different sums of money having been demanded of the emancipados for the delivery to them of their certificates of emancipation. In No. 1 he refers to the cases of an emancipado woman, held in close confinement and irons in consequence of her having addressed a memorial for her freedom, and of a white man, who was in prison for no other offence but that of bringing to Mr. Turnbull's house the daughter of another emancipado woman while the mother was in the stocks to compel her to disclose the daughter's previous hiding-place.

In No. 3 he states that an emancipado woman, named Olalla, had had four ounces of gold demanded of her at the Government house as the price of her freedom; and in No. 5, that a man, named Genaro Alfaro, had had five ounces and a half of gold demanded for the like purpose; while in another case, previously reported, four ounces and a half was stated to have been demanded.

In the last case (letter No. 5) it appears that the emancipado, or a friend, had paid the money to a white man named José Ayala, who declared that he had paid it to the Government secretary, notwithstanding which the emancipado was still kept in a state of servitude, which circumstance, together with the different sums named as the price of freedom, raises a suspicion that the unfortunate emancipados had been the victims of some evil persons who had defrauded them of their money under pretence of obtaining their freedom. As in the several cases Mr. Turnbull had already written to the Captain-

CLASS A.

General without previous reference to us, we could not feel ourselves called on to interfere; but as it was highly important to know whether the Government itself made any such extortionate demand for the grant of liberty, which we consider should be freely conceded as a right, we requested Mr. Turnbull (in our letter No. 6) to inform us whether he knew of any emancipado who had received his freedom on the payment of any sum of money, and if so what was the amount, and to whom was it paid, and whether any receipt for it had been obtained. We referred Mr. Turnbull to two emancipados whose cases were within his knowledge, and who had received their freedom, as proper grounds for inquiry; we having no knowledge of them, or of any instance of money being demanded in such manner. To that letter of the 27th instant we received no answer; but should any proof be afforded of the Government or any of its officers participating in such exaction, we should certainly consider it a fit subject to bring under the Captain-General's notice as unjust.

In Mr. Turnbull's letter No. 3 he also asks us whether we are now willing to do anything in furtherance of the object which was brought under our notice relative to the emancipados by Lord Palmerston's Despatch of the 4th of March, 1841; without, however, communicating what in his opinion should further be done. In reply, therefore (No. 4), we observed that we were at all times prepared to receive from him any suggestions which he might think fit to make us; but that, with respect to the Despatch referred to, we had to remind him he had attended a conference at our office on the 6th of May, 1841, when certain steps in consequence were taken, which had been approved of by Her Majesty's Government, since when we had received no further instructions.

At that time, also, pressing demands were made on the Spanish Government on behalf of the emancipados; and we presume it was in consequence of them that the present concessions are in course of being made to the emancipados of their liberty, as detailed in our several previous Despatches.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

First Enclosure in No. 125.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, May 16, 1842.

I BEG to acquaint you that there is now a female Emancipado, named Matilda, held in close confinement, and in irons, by one Gregorio Pera, who keeps a bodega in the Barrio de San Lazaro, in consequence of her having addressed a memorial to the Captain-General, praying for the delivery of her letter of emancipation.

This case is similar to that of José Maria Nunez, referred to in a former letter, who afterwards broke out of his place of confinement, and, having come to my office, is now in possession of the legal evidence of his liberty.

I have this day addressed the Captain-General in favour of this Matilda, the second of the name, for whom I have interceded.

The other Matilda, and her daughter Marina, who, although the child of a woman legally free, was in danger of being reduced to slavery, have had their freedom recognised for several months. But a white man, named Francisco Abreu, has ever since been in prison, for no other offence but that of having brought Marina to my house, while Matilda was in the stocks in order to compel her to disclose her daughter's previous hiding-place.

I have not yet thought it my duty to interfere in behalf of Francisco Abreu. His was one of the numerous cases which I was prevented, by the extreme pressure of business, and the shortness of the stay of the Illustrious at the Havana, from bringing under the notice of Sir Charles Adam. Should you think it a fit subject for your mediation, I beg to refer you to the prisoner, who I find has been released from the state of incommunicacion in which he was formerly held.

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

I have, &c.

(Signed)

DAVID TURNBULL.

Second Enclosure in No. 125.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, May 18, 1842.

WE have received your letter of the 16th instant, informing us, first, of a female emancipado, named Matilda, being held in close confinement, and irons, by one Gregorio Pera, in consequence of her having addressed a memorial to the Captain-General, praying for the delivery of her letter of emancipation; and, secondly, of a white man, named Francisco Abreu, having been put into prison for no other offence but that of bringing to your house the daughter of another female emancipado, named Matilda, while the mother was in the stocks to compel her to disclose her daughter's previous hiding-place.

1st. As, with regard to the first-mentioned Matilda, you state you have already addressed the Captain-General, we trust any further interference will be unnecessary to secure justice.

2nd. With regard to the case of the white man, in whose behalf you say you have not yet thought it your duty to interfere, we have to observe, that, as you must necessarily be better acquainted with the particulars than we are, we presume you have acted as you thought right. But as the man, according to your statement, has got into serious difficulty by acting in concert with you in the matter, it appears to us a question solely for your consideration.

We are, &c.

David Turnbull, Esq.
&c. &c. &c.(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Third Enclosure in No. 125.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, May 19, 1842.

ANOTHER female emancipado, named Olalla, one of the cargo of the "Midas," of 1831, has come to my house to complain that her pretended mistress, Donna Teresa Serrano, who lives in the Calle de las Damas, persists in exacting from her $2\frac{1}{2}$ *rials fuertes* per diem, although she has been told at the Government house, in answer to a memorial presented there, that her certificate of freedom would be delivered to her on the payment of four ounces of gold.

As Olalla is in bad health, and has a child four years old, besides herself, to maintain, I have treated her case as one entitled to immediate consideration, and have this day addressed the Captain-General on the subject, informing his Excellency that Olalla is now enabled to tender the payment of the four ounces of gold which have been demanded at the Government house.

I avail myself of this opportunity to recall your attention to the condition of the emancipados as a class: and I request to know whether you are now willing to do anything in furtherance of the object which was brought under your notice by Lord Palmerston's Despatch of the 4th of March, 1841.

I have, &c.

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

(Signed) DAVID TURNBULL.

Fourth Enclosure in No. 125.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, May 20, 1842.

WE have received your letter of yesterday's date, informing us of the case of another female emancipado, named Olalla; the circumstances of which you state you have already communicated to the Captain-General. We certainly think them demanding his Excellency's fullest consideration, and should have sought it, had you called upon us to do so.

With regard to your "request to know whether we are now willing to do anything in furtherance of the object which was brought under our notice by Lord Palmerston's Despatch of the 4th of March, 1841," we have to observe that we are at all times prepared to receive from you any suggestions which you may think fit to make us; but with respect to that Despatch we have to remind you that you attended a conference at our office thereon on the 6th of May, 1841, when certain steps were taken in consequence, of which you were duly acquainted. Those steps were approved of by Her Majesty's Government, and since that time we have received no further instructions on the subject.

We are, &c.

David Turnbull, Esq.
&c. &c. &c.(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Fifth Enclosure in No. 125.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, May 25, 1842.

I HAVE this day addressed a letter to the Captain-General, bringing under his Excellency's notice the case of an emancipado named Genaro Alfaro, a married man with four children, who

became entitled to his freedom by a judgment of your Court not less than seventeen years ago, but who, to this hour, is not only in servitude, but has recently been required by the authorities to pay the sum of five and a half ounces of gold as the price of his redemption. I have also stated to the Captain-General that, after receiving this requisition, Genaro Alfaro addressed himself, by means of his friend, Francisco Correa, a coloured man of free condition, to Br. Don José Ayala, now residing at Guanabacoa, who undertook the charge of the affair, received the five and a half ounces of gold on the 8th of April last, and now declares that he paid the money to the Government Secretary.

Genaro Alfaro is nevertheless still practically a slave; and having since the payment of the money made many fruitless applications at the Government House, he has presented his case in such a light to me that I have thought it my duty to interpose in his behalf, in the hope that the Captain-General may feel that the honour of his Government is concerned in seeing that immediate justice is done to this unfortunate emancipado and his numerous family.

In other Despatches I have persevered in pressing on the Captain-General's attention the several cases of peculiar hardship which I have recently brought under your notice; not so much because I entertain any well-founded hope that justice is thus to be obtained for the individual sufferers, but because I believe it to be desirable and necessary to convince the Spanish authorities that their iniquitous proceedings are observed, and that the constant violation of the Treaty of 1817 is still brought under the notice of Her Majesty's Government.

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

I have, &c.
 (Signed) DAVID TURNBULL.

Sixth Enclosure in No. 125.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, May 27, 1842.

WE have received your letter of the 25th instant, informing us of your having on that day addressed a letter to the Captain-General respecting the case of an emancipado named Genaro Alfaro, for whose certificate of freedom the sum of five ounces and a half of gold had been paid, but who notwithstanding was still kept in a state of slavery. The circumstances certainly appear to us to require investigation, though it may be that the money was paid to some one who had no power to obtain the certificate for the applicant, and who may therefore have acted fraudulently in the matter.

With reference, however, to your former communications of the like character, we should think it desirable to ascertain whether any money, and to what amount, has been paid on behalf of those emancipados who have received their certificates of freedom, and whether any receipts have been given for such payments, and to whom they were made.

We have heard of no such payments, and it may be in your power to learn those particulars, as, for instance, in the cases of, 1st, the woman Matilda, whose freedom you informed us in your letter of the 16th instant had been several months recognised; 2nd, of the emancipado Gavino, respecting whom we had a correspondence with you last year, and with whom you may have means of communicating.

David Turnbull, Esq.
 &c. &c.

We are, &c.
 (Signed) J. KENNEDY.
 C. J. DALRYMPLE.

No. 126.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 11, 1842.

I HAVE received your Despatch of the 31st of May last.

I have to desire that you will press the Governor-General of Cuba to investigate the cases already brought to your notice by Mr. Turnbull, in which money is said to have been demanded from emancipated negroes, as a condition of their receiving their certificates of freedom.

You will at the same time state to General Valdes that Her Majesty's Government have learnt with great satisfaction the proofs reported in your previous Despatches of the disposition of his Excellency to do justice to the emancipated negroes by giving up to them the certificates of freedom to which they were entitled.

Her Majesty's Government feel confident that the same sense of justice will induce his Excellency to examine carefully all cases in which there may be reason to suppose that extortion has been practised upon negroes of that class, by compelling them to pay in money for the freedom already due to them by

Treaty; and that his Excellency will extend to those unfortunate negroes his protection against such cruel oppression.

I am, &c.

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

(Signed) ABERDEEN.

No. 127.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, June 3, 1842.

(Received July 11.)

MY LORD,

WE have the honour to enclose your Lordship a further communication from the Captain-General of this island (being the fifth), respecting the emancipados under the Treaty of 1817 to whom this Government is progressively giving up their papers of freedom. From this list it appears that during the last month 59 persons of this class have been put in full possession of their liberty, viz. 31 males and 28 females, with their 22 children in addition, making in the whole, since the beginning of this year, as detailed in our previous Despatches, 511 emancipados of both sexes, and 193 children.

In transmitting this list, his Excellency expresses a regret that the number had not been greater, as in former months, on account of other urgent business which had occupied the Government.

In our reply we expressed our assurance that his Excellency would not neglect the just claims which these hitherto unfortunate persons had to their full liberty.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 127.

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

GENTLEMEN,

Havana, June 1, 1842.

CONTINUING in my proposition, I enclose to you the account of the emancipated negroes to whom have been delivered their letter of freedom in all the month last past, together with the children they have borne; regretting that the number was not increased, as I could have desired, on account of the many urgencies which have occupied this Government.

God preserve you many years,

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

(Signed) GERONIMO VALDES.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been given up their respective Certificates of Emancipation, by order of the Most Excellent the Captain-General, from the 1st until the last of May.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Juan . . . . .	. . . . .	Firme	130
Hermenegildo . . . . .	. . . . .	Midas	79
Clotilde	José Santos, 4 years	Josefa	181
.	Eusevio, 1 month.	. . . . .	. . . . .
Flora	José, 9 years	Orestes	24
.	Marcos, 7 years	. . . . .	. . . . .
.	Patrocinio, 1 year.	. . . . .	. . . . .
Serafina	José, 3 years	Voladora	234
Dionisio . . . . .	. . . . .	Manuelita	262
Toribio . . . . .	. . . . .	Firme	92
Salomé . . . . .	. . . . .	Fingal	26
Justa . . . . .	. . . . .	Midas	158
José de Calasanz . . . . .	. . . . .	Gerges	197
Vicente . . . . .	. . . . .	Firme	83
Juana de la Cruz . . . . .	. . . . .	Gerges	363
Maria Regla	Felipa, 7 years	Gerges	269
.	Juana, 6 years.	. . . . .	. . . . .
Encarnacion	Antonio, 8 years	Campeador	45
.	Maria Purificacion, 5 years	. . . . .	. . . . .
.	Petrona, 10 months.	. . . . .	. . . . .
Lorenzo . . . . .	. . . . .	Campeador	136
Juan de Dios . . . . .	. . . . .	Firme	56
Anselmo . . . . .	. . . . .	Planeta	88
Bartolomé . . . . .	. . . . .	Magico	12
Cornelio . . . . .	. . . . .	Manuelita	386
José . . . . .	. . . . .	Gerges	27
Maria Trinidad . . . . .	. . . . .	Planeta	213
Pragedes	José de los Reyes, 2 years	Negrilo	414
.	Roque, 10 months.	. . . . .	. . . . .
Genoveva	Merced, 1½ year	Intrepido	67
Pastor . . . . .	. . . . .	Voladora	70
Gavina . . . . .	. . . . .	Josefa	138
Dorotea . . . . .	. . . . .	Intrepido	76
Jacundo . . . . .	. . . . .	Gerges	341
Mauricio . . . . .	. . . . .	Firme	301
Benvenuto (a), Juan . . . . .	. . . . .	Intrepido	65
Buenaventura . . . . .	. . . . .	Julita	284
Bernardino . . . . .	. . . . .	Gerges	112
Maria de la Paz . . . . .	. . . . .	Voladora	181
Sebastiana	Augustina, 8 years	Firme	206
Paula	Justo, 1½ year	Joven Reina	202
Irene	Antonio, 10 years	Firme	414
.	Pedro, 2 years	. . . . .	. . . . .
.	Felicía, 1 year.	. . . . .	. . . . .
Donato . . . . .	. . . . .	Planeta	34
Robustiano (a) Sebastian . . . . .	. . . . .	Julita	233
Pablo . . . . .	. . . . .	Julita	247
Anacleto . . . . .	. . . . .	Orestes	90
Luciano . . . . .	. . . . .	Firme	236
Maria Ascencion . . . . .	. . . . .	Gerges	228
Venaucio (a) Carlos . . . . .	. . . . .	Rosa	82
Pastor (a) Federico . . . . .	. . . . .	Rosa	80
Gonzalo . . . . .	. . . . .	Magico	160
Beatriz . . . . .	. . . . .	Magico	18
Santiago . . . . .	. . . . .	Manuelita	198
Dorotea	Rosalía, 11 years	Gerges	209
Maria del Socorro . . . . .	. . . . .	Gerges	315
Filicitas	Narcisa, 4 years	Planeta	221
.	Nazaria, 3 years.	. . . . .	. . . . .
Antonio . . . . .	. . . . .	Magico	1
Mamerto (a) José . . . . .	. . . . .	Voladora	109
Anastasio . . . . .	. . . . .	Rosa	111
Rosa . . . . .	. . . . .	Indagadora	126
Susana . . . . .	. . . . .	Relampago	48
Dorotea . . . . .	. . . . .	Voladora	187
Antonio Abad . . . . .	. . . . .	Firme	203
Paulina . . . . .	. . . . .	Josefa	196
Rita . . . . .	. . . . .	Fingal	43
Marcelina . . . . .	. . . . .	Josefa	164

59 certificates of emancipation delivered, besides 22 children which the females have had.
31 males and 28 females; total, 59.

Havana, May 31, 1842.

(Signed) FRANCISCO GARNICA, Secretary.

Second Enclosure in No. 127.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 2, 1842.

WE have received your Excellency's letter of yesterday's date, enclosing us a list of 59 emancipados to whom have been delivered their certificates of freedom during the last month, with their 22 children in addition. Your Excellency also regrets that the number has not been so great as you could have wished, on account of the many urgencies which had engaged the Government.

We feel assured that your Excellency will not neglect the just claims to their full liberty of these hitherto unfortunate persons, and beg to say that we will take the first opportunity of transmitting your Excellency's communication to Her Majesty's Government.

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

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

No. 128.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, June 11, 1842.

MY LORD,

(Received July 11.)

WE have the honour to enclose copies of a correspondence we have had with the Captain-General of this island, respecting the arrival and departure of several slave-vessels.

Having heard that about the end of last month a vessel had sailed hence under the Spanish flag, and known in the harbour as the "*Recompensa*," intended for Slave Trade, and that another was about clearing out, as believed, for the same purpose, which had been long engaged in it under the name of the "*Tres de Febrero*," we felt it our duty to communicate these circumstances to his Excellency. We informed him also of a vessel then lying at Casa Blanca, but whose name we could not ascertain, that was known to have recently brought a cargo of about 300 negroes, and landed them on the south of the island; and, on the 2nd of June instant, we wrote his Excellency another letter, informing him of the arrival, the day before, of a brig under the Portuguese flag, for which the signal was made, before all this community, that it had arrived from Africa, and which we had learned was the "*Trueno*," otherwise the "*Trovao*," long known here as engaged in Slave Trade. Respecting this vessel we had not then heard further particulars, but, having learned shortly after that she had arrived in ballast, having been chased off the coast by the British cruisers, and that the crew had had an encounter with the boats of one of the cruisers, which they boasted of having beaten off, and killed or wounded some of the men, we found it our duty to communicate these to his Excellency in our letter of the 3rd instant; and to request that his Excellency would direct measures to be taken that the parties referred to should be produced for trial for such offence, in case it should prove true that it had been committed.

To this last letter his Excellency has not yet returned us a reply, and we therefore take for granted that a due investigation has been ordered to be made; but with regard to the former communication, he has given us an answer of the 8th instant, stating that, on a strict search having been made of the books in the captain of the port's office, no vessel was found there named "*Recompensa*," which might be true, as it is so much the practice of slave-vessels to have two or three different names; and that the "*Tres de Febrero*," which was about sailing, had been nationalised by the name of "*Carlitos*," and gave no indication of being intended for Slave Trade. His Excellency added, that, the captain of the port having meanwhile put an interdict on the sailing of this vessel to receive his orders, he had taken it off, unless further grounds should appear for detaining her. Respecting the vessel we had stated to be lying at Casa Blanca after bringing 300 negroes, his Excellency observed that every vessel there, which by build or burden could be suspected of such traffic, had been examined, but without any proofs resulting to implicate any in it.

We fear these investigations still continue illusory, however anxious the Captain-General may be to fulfil his duty; and we felt we could make no other

reply than to assure his Excellency we would not have claimed his attention to these matters, except upon information which we fully believed trustworthy.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 128.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 30, 1842.

WE regret to have it our duty to state to your Excellency, that a schooner under the Spanish flag, and commonly known here by the name of the "*Recompensa*," sailed hence about a week since for the Coast of Africa, to be engaged in Slave Trade; and that another vessel, the "*Tres de Febrero*," is at this time preparing in this harbour for the like destination.

We understand, also, that a vessel is lying at Casa Blanca, which within this month has landed about 300 Bozal negroes in the island. We feel assured it is only necessary for us to bring these circumstances to your Excellency's knowledge to insure a becoming investigation.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

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

Second Enclosure in No. 128.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 2, 1842.

WE regret to have it our duty to make known to your Excellency, that yesterday evening a brig entered this harbour under the Portuguese flag, for which the signal was made at the Moro, that it had proceeded from Africa. We learn that the vessel was the "*Trueno*," and came on account of the notorious slave-trading firm of Pedro Martinez and Co., so that no doubt exists of its being the vessel so long engaged in the Slave Trade under that name.

We have heard no particulars of any cargo she may have brought, but we lose no time in writing this, to insure an early and strict investigation into the circumstances under your Excellency's orders.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

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

Third Enclosure in No. 128.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 3, 1842.

WITH reference to our letter of yesterday respecting the arrival of the slave vessel "*Trueno*" in this harbour the day before, we have now to state that we are informed the parties report they have brought no slaves, on account of the coast being too closely watched by the British cruisers; but they also report, that they had an encounter with the boats of one of the British cruisers, which they beat off, killing some of the men.

It becomes our further duty therefore to make these circumstances known to your Excellency, requesting your Excellency will order measures to be taken in case this report prove true, that the guilty parties may be produced in due time for trial.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

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

Fourth Enclosure in No. 128.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, June 8, 1842.

HIS Excellency the Commandant-General of the naval forces of this station has directed to me the summary which he had ordered to be instituted, in consequence of the communication made to him on receipt of your letter of the 30th of May last, in reference to the sailing of a schooner known under the name of the "*Recompensa*," for the coast of Africa, to be employed in the Slave Trade, and other particulars to which you refer respecting one named the "*Tres de Febrero*," and another which is lying at Casa Blanca.

This being passed to the First Assessor-General of this Government, in conformity with what he has advised me, I have to inform you, that with respect to the first particular, the search of the list of vessels entering here, which is kept in the office of the captain of the port, shows that there was in it no schooner named "*Recompensa*," and, consequently, that there had sailed none in the last eight days of May for the said destination, or for any other.

In respect to the second, the strict search made of all the vessels lying at the wharfs of Casa Blanca has offered for result, that there are, one which entered this port the 19th of November, 1841, under the Portuguese flag, named "*Tres de Febrero*," and since the 23rd of March last that it was naturalized, it has been called the brig "*Carlitos*," and another, which being also Portuguese, and having entered with clearance from Monte Video the 1st of January last, under the same name of the "*Tres de Febrero*," was naturalized on the 2nd of this month, under that of the brig "*Union*," but without being to be observed in either the least indication or preparation of being intended for Slave Trade; notwithstanding which, purely for precaution, the captain of the port ordered to have its topmasts and yards lowered until new directions, reserving to its owners the right to which they might believe themselves entitled.

Finally, the same recognition extended to all the other vessels lying at Casa Blanca, whose destination was not so notorious, as that of the steamers "*Alabama*" and "*Cisne*," the American ship "*Vespasian*," and others, nothing fit for the Slave Trade by their burden or build: it has appeared that there did not exist any which could offer the least indication of having been implicated in such a speculation. Concluding with informing you, Gentlemen, that I have instructed the captain of the port not to prevent the "*Carlitos*" proceeding on its voyage unless new motives afford reason for detaining it.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 128.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 9, 1842.

We have received your Excellency's official letter of yesterday's date, informing us of the result of the investigations made into the several cases of slave vessels referred to in our letter of the 30th of May last, from which investigations it results, that no evidences appear of the vessels having been engaged in, or preparing for Slave Trade.

We beg to assure your Excellency that we would not have claimed your Excellency's attention to those particulars, but upon information which we fully believed trustworthy.

We have, &c.
(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

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

No. 129.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, June 13, 1842.

MY LORD,

(Received July 11.)

WE have the honour to enclose copies of a correspondence we have had with the Captain-General on the one part, and Mr. Turnbull on the other, respecting the negroes declared emancipados by the Mixed Court at this place, under the Treaty of 1817, to whom the Government are now giving progressively their paper of freedom, and especially with reference to an allegation of Mr. Turnbull's, that they were exacting of those negroes various sums of money for the concession of that freedom.

We found it our duty to address ourselves to the Captain-General, repeating Mr. Turnbull's assertion, and expressing our conviction that such exactions could not have been made with his Excellency's sanction; but at the same time trusting his Excellency would inform us whether such exactions had been made, for the information of Her Majesty's Government.

In his reply of the 7th instant his Excellency, after denying in unequivocal terms, that any demand whatever was or had been made on the emancipados for the grant to them of their paper of freedom, entered at length into the course he is adopting with respect to the emancipados, and other considerations, for which we beg further to refer your Lordship to his letter itself.

In our acknowledgment, believing that your Lordship would feel any such exaction as a grievous wrong, in addition to what these hitherto unfortunate persons have already suffered in the long deprivation of the liberty to which they were entitled, we assured his Excellency that we felt persuaded from the

CLASS A.

first that such exactions could never have been made with his sanction; and that it was only for the purpose of stating so, on his Excellency's authority, that we had addressed him on the subject. As, however, it was very probable that these poor ignorant people might often fall into the hands of unprincipled persons, who might rob them of any money they might have at command, under pretence of obtaining for them their full liberty, we suggested to his Excellency, that when their paper of freedom should in future be given to the emancipados they should be respectively informed of its being granted them as of free right; and, consequently, that if they had paid anything to any one in consideration of it, such payments were received in fraud, and were open to judicial investigation and punishment.

The anxiety which the emancipados must feel for their instant freedom naturally leads them to have recourse to whoever they may have access to for obtaining it, on learning that so many others of their class have already received it, without their understanding the grounds of selection which the Government has determined on; and as the writing of letters and memorials is a profitable occupation here, as in all countries where education is not very extended, these poor people, it may be expected, will fall sometimes into the hands of unprincipled persons, who will rob them of their money under pretence of obtaining their freedom. Of such persons we think we see traces in every case to which Mr. Turnbull refers: thus the emancipado Genaro Alfaro is represented as paying the money to one Ayala; and in the letter of the 2nd of June, already mentioned, an emancipado named Tranquilino is stated to have complained "that his master had threatened to turn him out of his house that very day, and send him to work on the railroad, if he did not bring him home four ounces of gold, in exchange for which he promised to procure for him his certificate of emancipation."

From this statement it appears to us that the exaction was that of the master, who knew that the negro was about to receive his freedom from the Government, and was endeavouring to extort money, on the instant, for what he could not have avoided.

As to the course adopted in giving the emancipados their papers of freedom at the expiration of the terms for which they were respectively assigned, we must say that much inequality may arise from it, as some of those who were of the last captured may thus be freed from servitude sooner than those of the first, and in strict justice we should think them all entitled to immediate and unconditional freedom. But as the Government seems to feel itself bound by the assignments and contracts made in former times, and to fear danger from the instant liberation of from six to eight thousand emancipados, we will not take upon ourselves to pronounce their decision contrary to right. We should, however, be anxious, in any way, to obtain for this unfortunate class the most general relief possible; and should fear endangering this hope, if irritating the Government by breaking in upon their policy, and putting forward individual claims contrary to that policy. Every individual case is undoubtedly a hardship, but one which we cannot alleviate, as not even Her Majesty's Government have been able to avert it. Yet in the instance of the emancipado José de Jesus, who had been evidently cruelly ill-treated in the house of his mistress, and for whom we therefore entreated the Captain-General's immediate consideration and special protection, the poor individual, we learn, will this month receive his liberty.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

First Enclosure in No. 129.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 4, 1842.

WE have received an official communication from Mr. Turnbull stating that various large sums of money have been extorted from the Emancipados for the grant to them of their papers of freedom, and expressing his "belief that these payments have amounted on an average to some five ounces each."

As we feel assured that these exactions cannot have been made with your Excellency's sanction, and

that Her Britannic Majesty's Government will be of opinion that the unfortunate emancipados are entitled to their full liberty, as a right, without being subjected to any, we trust your Excellency will think it right to inform us, for the information of Her Majesty's Government, whether any such exactions are made by order of your Excellency's Government.

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

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

Second Enclosure in No. 129.

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

GENTLEMEN,

Havana, June 7, 1842.

I HAVE received your official communication of the 4th, in which you communicate to me the statement which Mr. Turnbull had addressed to you, that the emancipados had had exacted of them large sums of money for the concession of their paper of freedom, and although you declare yourselves persuaded that these exactions have not been made with my consent, you desire some information on the subject.

Mr. Turnbull has already addressed to me, in the improper language he is accustomed to use, various communications respecting this particular, which I have not answered, because I cannot recognise in him any right for such communications; now I have to reply to you, Gentlemen, that Mr. Turnbull appears to propose continuing the hostile system which he has adopted with this Government, and which does not comport with my dignity, or that of the English nation, sufficiently circumspect in all its actions.

As to what Mr. Turnbull says, it is void of foundation; since this Government neither authorises nor permits that any sum be exacted of the emancipados to obtain their paper of freedom; but on the contrary, highly zealous for the fulfilment of the orders of its superior, it is with the greatest care giving their papers to the said emancipated negroes, in the progressive order directed by the superior Government, so that in a given time they may become all free; their subsistence assured by means of a known occupation, and the tranquillity of the country guaranteed; making them enter into the rights of liberty by the path of good conduct, and the conviction that according to their capacity for maintaining themselves, by themselves, they may apply for that without reference to time. These bases just and equitable, and which Mr. Turnbull cannot be ignorant of, nor the Government of this country forget, do not meet his desires; and thus it is, that passing them by, and without any right for so doing, he has put forward pretensions for the liberty of some of those, which only for the presenting them under the aspect of humanity I have admitted, to give a proof of the impartiality with which I act in my Government: and it will not be foreign to the purpose to say to you, that, without the intervention of this gentleman, the complainants would have obtained a more prompt determination as to be expected, there not coming in the way the intemperate requirements of this gentleman, which have provoked answers foreign to the matter.

The system adopted for delivering the certificates, which is religiously followed, is that continually are required and taken from the masters all those who have fulfilled the terms for which they were assigned; and in this with such impartiality, that without subjection to the length of time in the island until they are found capable of maintaining themselves by themselves alone: from which system it results that inevitably all will become free in less than five years. Preserving this order, their paper is conceded at the completion of the term for which they were assigned, and thus it is in their power to enter into society without prejudicing it; and to those to whom some time is wanting for this, keeping in view that they have to claim it in a given period, it is answered that they should wait their turn: it may be that some of those masters, who answer in the name of their negroes, may some time have abused and exacted some sum; this is not in the knowledge of the Government or its officers; but for simply suspecting it, it is forbidden that such persons should come to act on account of the emancipados; it has happened also in some other case, that idle men, called in this country (*pica-pleitos*) suit-hunters, have defrauded the negroes, offering them, for some sum, to procure for them their paper of freedom, making them believe there were some costs indispensable for obtaining it, but for these, though it has been impossible to convict them of the crime, as the negroes themselves have denied it on trial, they have been intimidated. This same day an investigation is prosecuting respecting an act of this class, which in all time will prove the justice of this Government. These reasons are sufficient to satisfy any person, who, of good faith, judges in his conscience the actions of another; and more, if they reflect that there cannot, in certain cases, be in their reach the proceedings of others. But I repeat to you, that Mr. Turnbull, though he knows the above, does not please to acknowledge it; concluding with assuring you, that in the Chief Secretary I have, in respect of honour and integrity, the same confidence as in myself, which is in both equal to that the most exemplary of the subjects, the most distinguished in this particular of Her Majesty the august Queen of Great Britain.

God preserve you many years.

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

(Signed) GERONIMO VALDES

Third Enclosure in No. 129.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 9, 1842.

WE beg to acknowledge the receipt of your official communication of the 7th instant, in answer to ours of the 4th, respecting Mr. Turnbull's statement of various sums of money having been exacted of the emancipados for the concession to them of their paper of freedom. We beg to repeat, that we felt persuaded from the first, that such exactions could never have been made with your Excellency's

sanction; and it was only for the purpose of stating this, on your Excellency's authority, to Her Britannic Majesty's Government, that we addressed your Excellency on the subject.

We fear, however, that these poor ignorant people may often fall, when seeking their full liberty, into the hands of unprincipled persons who may rob them of any money they may have at their command; and we would, therefore, respectfully suggest to your Excellency that, when their paper of freedom, in future, shall be given to the emancipados, they should be respectively informed of its being granted to them as of free right; and consequently, that if they have paid anything to any one in consideration of it, such payments were received in fraud, and were open to judicial investigation and punishment.

We feel great pleasure in bearing witness to the high and honourable character which the Political Secretary of the Government bears in this community, and believe that under such directions much injustice may probably be averted.

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

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

Fourth Enclosure in No. 129.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, June 3, 1842.

I TAKE the liberty of sending you an emancipado named José Jesus, and of enclosing a copy of the declaration he has just made before me, from which you will see that he has been subjected to the most brutal maltreatment by the paramour of the woman to whom he was assigned on the condemnation of the "Negrito" slaver by your Court, in order to deter him from the attempt to obtain his freedom.

You will not fail to remark, that at the time of the assignment of José Jesus, and of a female emancipado named Inez, who has recently obtained her free paper, the woman Luisa Cabrera, to whom these young people were confided by the Government for the pretended purpose of receiving religious instruction, was living, as she still does, in open adultery with Manuel Hernandez, the man who yesterday committed this act of barbarity.

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

I have, &c.
(Signed) D. TURNBULL.

Enclosure in the above.

Havana, June 3, 1842.

JOSÉ JESUS, an emancipado, one of the victims of the "Negrito," declares that he was originally assigned to, and has ever since been in the service of Donna Luisa Cabrera, the kept mistress of Don Manuel Hernandez, himself a married man, who keeps carriages to hire in the "Calle de la Lealtad."

That for the last three months he has had it in contemplation to apply to the Captain-General for his certificate of freedom, and in consequence of this intention becoming known in the house, he was ordered, about two months ago, never to leave the house without leave.

That as the servants in the house are not supplied with sufficient food, they are accustomed to buy necessaries with their own money; and last night, being exceedingly hungry, and unable to find any one willing to go out, he went out himself to the nearest *bodega* to buy bread. That when he was out for this purpose his absence had been discovered, and four of the slaves in the house had been sent out to seek for him and bring him home. That he was in the act of entering the gate of the house when he was seized by these slaves; his arms were tied, and in that state he was carried before Don Manuel. That Don Manuel addressed him in violent and abusive language, and told him that if he went out again he would have him laid on his back, and would beat him so severely on the belly with a stick, that he would have to be sent to the hospital, where he would die. That there were recently 9 negroes in the house, 7 slaves and 2 emancipados, himself and a female named Inez, who also arrived in the "Negrito," and was assigned from the first, like himself, to Donna Luisa Cabrera, but who received her certificate of freedom about two months and a half ago, for which she paid 22 dollars. That several of the slaves were present when José was thus threatened, after which his arms were tied up to a beam, and his body to a post, by one of the slaves, with the assistance of Don Manuel, who then began to beat him most cruelly with a stick about two inches in circumference, on the head, the shoulders and arms, the breast, and the belly. That after Don Manuel was tired of beating him he handed the stick to one of the slaves named Jacinto, and ordered him to continue the punishment, which he did, but not with the same severity. That the shirt he now wears is the same he had on yesterday, and the blood with which he is covered is only a small part of what came from him; as on being let loose he sat down on the ground, and allowed the blood to run to the ground from the principal wound in his head. That he had been advised by his late companion Inez to go to a person whose name he does not know, to get a memorial prepared to the Captain-General, requesting his freedom; and having gone there this morning and procured the memorial, he carried it to the Government Secretary, who advised him to see the Captain-General, in order to show His Excellency the bloody state in which he is. That on going up stairs for this purpose from the Secretary's office, he was stopped by the sentinel posted on the landing-place, and on meeting with this repulse he was advised to come to the British Consul, as he has now done. That about five months ago he and four others having joined in buying the eighth of a lottery-ticket which came up a prize of 5000 dollars, his share came to six ounces, one half of which he still possesses, and he would be too happy to give the whole of it to obtain his certificate.

Signed in the name of José Jesus, who declares he can neither read nor write.

(Signed) DAVID TURNBULL.

Fifth Enclosure in No. 129.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, June 4, 1842.

IN acknowledgment of your communication of yesterday's date, respecting the emancipado negro José Jesus, whom you sent to us on his being cruelly treated by one Don Manuel Hernandez in the house of his mistress, Donna Luisa Cabrera, we have to inform you that we have delivered the man up to the Captain-General, submitting the case to his Excellency's immediate consideration, and meanwhile requesting for him his Excellency's special protection.

D. Turnbull, Esq.
&c. &c.

We are, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Sixth Enclosure in No. 129.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 3, 1842.

MR. Turnbull has sent us an emancipado negro, named José Jesus, of the cargo of the slave-vessel "Negrito," who bears on his head and body evident proofs of cruel treatment, which he says he received from one Don Manuel Hernandez in the house of his mistress, Donna Luisa Cabrera, originating in his desire to memorialise your Excellency for the grant of his paper of freedom.

As the man declares he is afraid of returning to the house of his mistress, we beg respectfully to submit his case to your Excellency's immediate consideration for the grant of his full liberty, and meanwhile to put him under your Excellency's special protection.

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

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

Seventh Enclosure in No. 129.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, June 4, 1842.

I HAVE received your communication of yesterday, with which you sent me the emancipado named José de Jesus, of the cargo of the "Negrito," who had been beaten by Don Manuel Hernandez in the house of his mistress, Donna Luisa Cabrera. I am now engaged in the investigation of the fact, to direct the becoming proceeding; and meanwhile I have placed the said emancipado in the Deposit of the Beneficencia, separating him from the house of the said Cabrera.

The which I state to you in reply.

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

God preserve you many years.
(Signed) GERONIMO VALDES.

No. 130.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, June 18, 1842.

MY LORD,

(Received July 27.)

IN Enclosure No. 3 of our Despatch of the 13th of June instant, we had it our duty to detail the case of an emancipado negro named José de Jesus, for whom we had sought the Captain-General's protection on having been ill-treated in the house of his mistress, Donna Luisa Cabrera. That case we thought presented grounds for interference beyond ordinary cases, and we therefore felt we had a claim to his Excellency's consideration which would be readily allowed. In this assurance we were not mistaken, having now the honour to enclose a copy of a letter from his Excellency, in which he informs us that he has directed the emancipado's paper of freedom, under the circumstances, to be at once given up to him.

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

The Right Hon. the Earl of Aberdeen, K. T.,
&c. &c. &c.

First Enclosure in No. 130.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, June 16, 1842.

At the time I received your official communication of the 4th instant, in which you made known to me the ill-treatment which Don Manuel Hernandez had given the emancipado Martin, known as José de Jesus, No. 167 of the brigantine "Negrito," who was under the charge of Donna Luisa Cabrera, I directed the correspondent summary to be instituted for the becoming determination; and although by that, the complaint does not appear proved to the extent by the evidence, I have ordered that his certificate of emancipation be delivered up to the said negro, and I state this to you, Gentlemen, in answer to your said letter.

God preserve you many years,

(Signed)

GERONIMO VALDES.

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

Second Enclosure in No. 130.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 17, 1842.

We have received your Excellency's letter of yesterday's date, informing us of your having been pleased to give his paper of freedom to the emancipado Martin, otherwise José de Jesus, for whom we had besought your Excellency's favourable consideration, on his having been ill-treated in the house of his mistress, Donna Luisa Cabrera, and we beg to present our due acknowledgments in reply.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 131.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, June 20, 1842.*

MY LORD,

(Received July 27.)

WE regret to have to report that, during the last month, the Slave Trade of this place seems to have revived to something of its former activity. Several ships have been prepared, as believed, to be so employed, and one sailed, namely, 17th of May, for San Tomé, Spanish schooner "*Venganza*."

This was the vessel known in the harbour as the "*Recompenza*," respecting which we wrote to the Captain-General by our letter of the 30th of May, as detailed in our Despatch to your Lordship of the 11th of June instant, to which we therefore beg to refer.

In the same Despatch we noticed the arrival of a vessel, name unknown, with about 300 negroes, who were sold, as we have been informed, for 200 dollars per head, that they might be speedily absorbed into the slave population of the island, and so escape being seized by the Government. Whether on that or on some other occasion we know not, but we have learned that the late Capitan of the Partido of Bahia Honda has been dismissed from his employment on account of having permitted a landing of negroes, and another person appointed to that post who is personally known to us. We therefore trust that this proof of the Captain-General's determination to carry his orders into effect, will be attended with good results. One case we have heard of on credible authority, that a vessel arrived off Santa Cruz, on this coast, with about 300 negroes, consigned to the great slave-dealer Don Pedro Blanco, which sailed away without effecting a landing, on finding the Capitan of the Partido determined to seize them. In that vessel, it is said, there had been a mutiny among the slaves, in consequence of which a great number of them had been shot in the hold. It also brought news of three other vessels being about to sail from Africa.

Where the vessel went to from Santa Cruz we have not heard, but there is some reason to fear that the dealers are opening a trade with Texas, as a slave-trading firm has lately had thence a consignment of cotton, for the shipping of which to Liverpool they had to obtain the assistance of another house, they having no correspondents themselves in England. This cotton, no doubt, had

been received in return for negroes, who had probably been driven off this coast by the present measures of the Government.

We are glad to learn that the celebrated fast-sailing slave-vessel "*Venus*," otherwise the "*Duquesa de Braganza*," has been taken on the coast of Africa. Such a seizure must be attended with the best results.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 132.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, June 22, 1842.

MY LORD,

(Received July 27.)

WE have had the honour to receive your Lordship's Despatch of the 12th of May last, transmitting us a copy of a Memoir drawn up by Mr. Bandinel, containing an account of the steps taken by the British Government towards effecting the extinction of the Trade in Slaves from Africa.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 133.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, June 27, 1842.

MY LORD,

(Received July 27.)

IN our Despatch of the 11th of June instant we had the honour to enclose a copy of a letter we had addressed to the Captain-General on the 3rd instant, respecting an outrage reported to have been committed on the boats of one of Her Majesty's cruisers on the coast of Africa, by the crew of the slave-vessel "*Trueno*," when several of the British sailors were said to have been killed.

To that letter we have not yet received an answer from his Excellency, but we learn that investigations have been instituted into the matter, and the vessel itself detained; so that we trust our request may be complied with, to have the guilty parties held ready for trial, in case the report they had themselves raised should prove to be true. Without, however, waiting for the result of that investigation, having, three weeks after our so addressing the Captain-General, received a letter from Mr. Turnbull of the 23rd instant on the subject, of which, and the reply, we enclose copies herein, we take the opportunity to submit to your Lordship the propriety, in case information be received at the Admiralty of such an outrage having been committed, to notify the circumstance to the Government at Madrid, and the fact of our instant reclamation to the Captain-General of the 3rd instant, and also to send here one of the officers of the cruiser, who may give evidence of the fact, to ensure the punishment of the offenders, and prevent a repetition of the offence.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 133.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Her Majesty's ship "Romney," Havana, June 23, 1842.

As the facts connected with the late voyage of the slaver "*Trueno*" are matter of public notoriety, I take it for granted that you are well acquainted with them, and that you are taking the necessary measures for bringing the criminals to punishment.

But as I understand that the captain, who is a native of Cadiz, has taken the alarm, and is disposed to withdraw himself from observation, I think it right to let you know that he cohabits with a mulatto woman, a native of St. Domingo, who lives at No. 15, in the Calle de Cuba; and as the woman has a child by the pirate captain, and several slaves, it will not be easy for the chief criminal to escape, if the authorities can be prevailed upon to act with vigour and good faith in bringing him to justice.

The crew of the "*Trueno*" are making a public boast of the wholesale murder they have committed on the boat's crew of one of Her Majesty's ships.

I have, &c.,

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

(Signed)

D. TURNBULL.

Second Enclosure in No. 133.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, June 24, 1842.

We have received your letter of yesterday's date, stating that as the facts connected with the late voyage of the slaver "*Trueno*" are matter of public notoriety, you take it for granted we are well acquainted with them, and are taking the necessary measures for bringing the criminals to punishment, with other references to them.

In acknowledging this communication of yours, we have also to inform you that, on the 2nd instant, we addressed a letter to the Captain-General, informing his Excellency of the arrival of that vessel in this port the evening before, and requesting an immediate inquiry into its trading. On the day after, having heard further of the encounter it was reported to have had with the boats of one of Her Majesty's cruisers, we addressed another letter, the 3rd instant, to his Excellency, repeating the particulars, and calling on him to take such measures as that the guilty parties might be produced for trial, in case the reports they had themselves raised should prove to be true.

During the three weeks which have intervened between that time and the date of your letter, we believe due investigations have been instituted into the charges; and the vessel is at present under detention by the Government, on whom the responsibility must rest, as we gave the earliest notification possible, on our part, in the due fulfilment of our specific duties.

We are, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

David Turnbull, Esq.
 &c. &c. &c.

No. 134.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, July 1, 1842.**(Received August 15.)*

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 the enclosed return of the only case brought for adjudication before the Mixed Court of Justice at this place during the last six months.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 134.

Return of Case as required by Act 5 Geo. IV., c. 113, § 75.

Name of Vessel.	Date of Seizure.	Property Seized.	Tonnage per Register.	Tonnage per British Measurement.	Seizor.	Date of Sentence.	Decretal part of Sentence.
Aurelia Felis.	1842 Feb. 10.	Portuguese Schooner, with 169 Negroes.	92	120	Spanish Brig of War "Cubano."	1842 March 12.	That the Court had no jurisdiction.

No. 135.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, July 1, 1842.**(Received August 15.)*

MY LORD,

IN obedience to the directions given in Viscount Palmerston's Despatch of the 7th of July, 1840, we have the honour to report that there have been no captured Africans put on board Her Majesty's ship "Romney," stationed in this port, during the six months last past.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 136.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, July 3, 1842.**(Received August 15.)*

MY LORD,

WE have the honour to enclose a further communication from his Excellency the Captain-General, enclosing us the list for the last month (being the sixth) of emancipado negroes to whom their papers of freedom have been given up since the month preceding. From that list it appears that there have been thus put in possession of their full liberty a further number of 152 emancipados, consisting of 101 males and 51 females, with their 36 children in addition; making a total, with the former reports, of 663 emancipados of both sexes and 229 children.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 136.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, July 1, 1842.

ANNEXED is the list of the emancipado negroes to whom have been delivered up their paper of freedom during the month now passed, including the children they have borne; the which I have the pleasure of making known to you with the same object that I have had in my previous communications.

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

God preserve you many years.
(Signed) GERONIMO VALDES.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been delivered their respective Certificates of Emancipation, by order of His Excellency the Captain-General, from the 1st to the 30th of June now past.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Dionisia . . . . .	. . . . .	Firme	417
Leonardo . . . . .	. . . . .	Orestes	133
Luciano . . . . .	. . . . .	Julita	103
Olaya	Ines, 4 years	Midas	107
Fermin . . . . .	. . . . .	Manuelita	331
Florencio . . . . .	. . . . .	Gerges	43
Urbano . . . . .	. . . . .	Maria	147
Margarita . . . . .	. . . . .	Gerges	214
Dolores . . . . .	. . . . .	Orestes	10
Anastasia	Paula, 1 year	Joven Reina	215
Hipolito . . . . .	. . . . .	Manuelita	355
Tomas . . . . .	. . . . .	Gallito	53
Felix . . . . .	. . . . .	Midas	71
Desideria . . . . .	. . . . .	Santiago	58
Susana	Ricardo, 4 months	Campeador	191
Antonio . . . . .	. . . . .	Josefa	17
Anastasio . . . . .	. . . . .	Rosa	21
Cipriano . . . . .	. . . . .	Manuelita	243
Maria de la Luz	Maria del Carmen, 3½ years	Midas	159
Agripina	Canuta Remigia, 3 years	Planeta	219
Ciriaco . . . . .	. . . . .	Firme	152
Joaquin . . . . .	. . . . .	Gerges	189
Marcelino . . . . .	. . . . .	Voladora	129
José de la Paz . . . . .	. . . . .	Intrepido	21
Prudencia	Manuela, 9 years	Firme	233
	José Abraan, 4 years.		
	Clemente, 1 year.		
Maria de la Luz	Cecilio, 6 months	Emilio	116
Felipa . . . . .	. . . . .	Midas	141
Andres . . . . .	. . . . .	Manuelita	305
Damaso . . . . .	. . . . .	Manuelita	311
Marcelino . . . . .	. . . . .	Julita	207
Pedro Celestino . . . . .	. . . . .	Julita	227
Anastasio . . . . .	. . . . .	Gallito	21
Francisco de Paula . . . . .	. . . . .	Firme	80
Joaquin . . . . .	. . . . .	Magico	116
Gabriela . . . . .	. . . . .	Joaquina	144
Liborio . . . . .	. . . . .	Orestes	94
Meliton . . . . .	. . . . .	Midas	50
Juan de Dios . . . . .	. . . . .	Josefa	54
Susana	Ciriaco, 1 year	Joven Reina	220
Ciriaco . . . . .	. . . . .	Fita	206
Maria del Transito . . . . .	. . . . .	Joven Reina	240
Maria de los Angeles	Maria de la Luz, 3 years	Joven Reina	248
	Tranquilina, 6 months.		
Maria de Jesus . . . . .	. . . . .	Aguila	256
Marcos . . . . .	. . . . .	Emilio	92
Gregorio . . . . .	. . . . .	Midas	52
Gregorio . . . . .	. . . . .	Joven Reina	126
Rosalia . . . . .	. . . . .	Chubasco	201
Braulio . . . . .	. . . . .	Indagadora	65
Toruato . . . . .	. . . . .	Gerges	113
Crispiniano . . . . .	. . . . .	Firme	326
Rosalia . . . . .	. . . . .	Santiago	86
Teda	Cecilia, 11 years	Voladora	226
Vicente . . . . .	. . . . .	Voladora	76
Valentin . . . . .	. . . . .	Firme	35
Mauricio . . . . .	. . . . .	Planeta	291
Felicia . . . . .	. . . . .	Campeador	160
Fulgencio . . . . .	. . . . .	Firme	384
Juan . . . . .	. . . . .	Joven Reina	123
Francisco . . . . .	. . . . .	Intrepido	25
Maria Cleofas . . . . .	. . . . .	Josefa	157
Victor . . . . .	. . . . .	Midas	49
Maria del Socorro . . . . .	. . . . .	Chubasco	207
Magin . . . . .	. . . . .	Carlota	79
Julian	Nicolas, 6 years	Santiago	62
Francisco Solano . . . . .	. . . . .	Marte	203
Maria Belen	Juliana, 2 years	Ninfa	315
Juana Francisca	Maria del Rosario, 9 years	Firme	188
	Agueda, 7 years.		
	Antonio, 4 years.		

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Justo . . . . .	. . . . .	Planeta	118
Augustin . . . . .	. . . . .	Rosa	112
Magdalena	Leandro, 6 months	Negrito	415
Ciriaco	Isidro, 6 months	Negrito	393
	Roberto, 2 months.		
Anastasia	Pastoro, 1 month	Rosa	151
Escolastica	Manuela, 3 years	Firme	222
Iginia	José Liborio, 8 years	Firme	200
	Martin, 6 years.		
	Juan Nepomuceno, 4 years.		
Fermin . . . . .	. . . . .	Carlota	46
Rosa . . . . .	. . . . .	Carlota	105
Joaquin . . . . .	. . . . .	Carlota	76
Julio . . . . .	. . . . .	Midas	78
Maria de las Nieves	Merced, 1 year	Aguila	513
Polonia . . . . .	. . . . .	Josefa	315
Lucas . . . . .	. . . . .	Orestes	121
Florencio . . . . .	. . . . .	Relampago	27
Marcelino . . . . .	. . . . .	Midas	86
Petrona . . . . .	. . . . .	Joaquina	165
Gavino . . . . .	. . . . .	Joaquina	43
Casto . . . . .	. . . . .	Manuelita	327
Martin . . . . .	. . . . .	Negrito	267
Marcelino . . . . .	. . . . .	Midas	86
Norverta	Juan, 10 years	Midas	165
	Tranquilino, 3 years.		
	Brigido, 1 year.		
Nicasio . . . . .	. . . . .	Voladora	326
Perfecto . . . . .	. . . . .	Joven Reina	106
Ansdino . . . . .	. . . . .	Joven Reina	108
Pedro . . . . .	. . . . .	Joven Reina	115
Placido . . . . .	. . . . .	Joaquina	262
Tiburcio . . . . .	. . . . .	Indagadora	82
Protacio . . . . .	. . . . .	Midas	179
Mariana . . . . .	. . . . .	Planeta	210
Miguel . . . . .	. . . . .	Joaquina	113
Fernando . . . . .	. . . . .	Santiago	23
Salustiana	Liborio, 5 years	Emilio	123
Lucia . . . . .	. . . . .	Josefa	173
Canuto . . . . .	. . . . .	Relampago	13
Anastasio . . . . .	. . . . .	Planeta	7
Torcuato . . . . .	. . . . .	Santiago	16
Antolin . . . . .	. . . . .	Santiago	89
Limbano . . . . .	. . . . .	Santiago	91
Leon . . . . .	. . . . .	Emilio	79
Gumesindo . . . . .	. . . . .	Gallito	12
Panfilo . . . . .	. . . . .	Josefa	120
Mamerto . . . . .	. . . . .	Josefa	103
Paulino . . . . .	. . . . .	Firme	157
Atanasio . . . . .	. . . . .	Firme	108
Tomas . . . . .	. . . . .	Magico	140
Hipolito . . . . .	. . . . .	Joaquina	210
Hermenegildo . . . . .	. . . . .	Rosa	92
Gregorio . . . . .	. . . . .	Rosa	117
Jacinto . . . . .	. . . . .	Carlota	75
Quirino . . . . .	. . . . .	Orestes	80
Eustaquio . . . . .	. . . . .	Gerges	290
Fernando . . . . .	. . . . .	Relampago	109
Polonia	Andres, 6 years	Firme	221
Desiderio . . . . .	. . . . .	Midas	31
Antonia . . . . .	. . . . .	Negrito	373
Fernando . . . . .	. . . . .	Voladora	149
Nicanor . . . . .	. . . . .	Negrito	9
Luisa . . . . .	. . . . .	Emilio	172
Arcadio . . . . .	. . . . .	Joven Reina	11
Antonio . . . . .	. . . . .	Rosa	118
Escolastica . . . . .	. . . . .	Gerges	211
Matilde . . . . .	. . . . .	Josefa	145
Merced . . . . .	. . . . .	Santiago	99
Casto . . . . .	. . . . .	Marta	190
Dorotea	Rafaela, 7 years	Emilio	41
	Antonio, 4 years.		
Primo . . . . .	. . . . .	Manuelita	260
Macximo . . . . .	. . . . .	Manuelita	295
Julian . . . . .	. . . . .	Manuelita	137
Camilo . . . . .	. . . . .	Manuelita	337

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Pastor	Midas	70
Luciano	Carlota	6
Casimira	Emilio	55
Simeon	Indagadora	35
Epifanio	Carlota	5
Cerefina	Gallito	121
Mauricio	Negrilo	226
Vicente	Relampago	16
Bonifacia	Maria de la Encarnacion, 7 yrs.	Midas	105
Prudencia	Emilio	53
Brigida	Relampago	94
Francisco	Negrilo	464
Matilde	José, 6 months.	Indagadora	130
Severino	Manuelita	326
Eusevio	Josefa	52

152 papers of freedom given during the month which has ended, and 36 children that the females have had.

Females 51, and males 101.—Total, 152.

Havana, June 30, 1842.

(Signed) FRANCISCO GARNICA.

Second Enclosure in No. 136.

Her Majesty's Commissioners to the Captain-General,

MOST EXCELLENT SIR,

Havana, July 2, 1842.

WE beg to acknowledge the receipt of your Excellency's communication of yesterday's date, transmitting us the list of 152 emancipado negroes, to whom, and to their 36 children, have been delivered up their paper of freedom during the month of June last past; the which we shall have great pleasure in forwarding to Her Britannic Majesty's Government the first opportunity.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 137.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, July 16, 1842.

(Received August 15.)

MY LORD,

REFERRING to our Despatches, dated the 11th and 27th of June last respectively, on the subject of the arrival in this port of the slave-vessel "Trueno," which was reported to have had an encounter with the boats of one of Her Majesty's cruisers, when several of the crew were said to have been killed, we have now the honour to enclose a communication from the Captain-General, dated the 13th instant, detailing the result of the investigations entered into consequent upon our denunciation. From this your Lordship will perceive that the fact of the vessel having been engaged in Slave Trade was at once recognised; but by some means, we fear of collusion, the master and crew all escaped, and have hitherto remained unapprehended. They have, however, been summoned to appear according to law, and meanwhile his Excellency states that orders have been given to the local police officers to apprehend them, which would, we think, be effected without difficulty were sufficient inducement held out for that purpose.

In our acknowledgment of the 15th instant we expressed our regret that the guilty parties had been so allowed to escape, and feeling assured that Her Majesty's Government would be much disappointed at such a result, added our hope that under his Excellency's strict orders they might yet be apprehended.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

First Enclosure in No. 137.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, July 13, 1842.

By note of the 1st instant his Excellency the Commandant-General of Marine has addressed to me the examinations taken by the Capitan de Fragata and Assistant of the Captaincy of the Port, Don Manuel Geraldino, against the Portuguese brigantine schooner "*Trueno*" and her crew, denounced by you for having been employed in Slave Trade, and for having beaten off with armed force, with effusion of blood, the boats of an English cruiser on the high sea.

These having been passed to the First Assessor-General of the Government, he has advised me as follows:—

"Most Excellent Sir,—I have seen, with the greatest deliberation, the Report made by the graduate Capitan de Fragata and Assistant of the Capitania of the Port, Don Manuel Geraldino, and from that result indications sufficient to declare that the brigantine, under the Portuguese or Brazilian flag, named '*Trovaço*,' or '*Trueno*,' was destined for Slave Trade; because, when it would have been sufficient to have found in her one of the things which the Article X. of the Treaty of the 28th of June, 1835, expresses, there have been found a considerable quantity of provisions, an extraordinary medicine chest, 700 wooden spoons, a box of smoking-pipes, a muster-roll which showed an extraordinary crew for a vessel to employ in transport of any other kind of merchandise; and, finally, from all these circumstances, and from the state in which the said vessel was found internally, skilful persons, to the number of five, have declared that it was fitted up for such traffic. But as, before making this said declaration, and determine the confiscation and loss of the vessel, if the affair were of those whose recognition belongs to the Mixed Commission, the captain or master in that case should be heard, if wishing to prove satisfactorily that it was employed at the moment preceding its detention in some lawful speculation; and as, on the other, the captain has not presented himself, nor is it known who may be the owner, because in reality it is sufficiently proved that it could not be the house of Don Pedro Martinez and Co., as denounced, by reason of this commercial firm having ceased to exist since the 13th of January, 1841, I consider that we are in the case of calling on the captain or owner of the said vessel, through the Diario, in three consecutive numbers, that they, in the precise term of nine days, counted from the first announcement, present themselves in this political department to offer the justification they may esteem fit, or may be sufficient, to prove that the vessel was destined in the two months preceding its detention in some lawful speculation: under the view of that, the said term being passed without this being verified, to proceed to what may be required, the Government using the prerogative, which belongs to it, of confiscating every vessel found in its ports or coasts intended to make unlawful commerce in slaves.

"The same does not follow from the other extreme, which comprehends the denunciation of the British Commissioners relative to the brigantine '*Trueno*' having had an encounter with the boats of one of the cruisers, and having beaten them off, killing some of the men; because as the vessel was found absolutely alone and abandoned, it has not been possible to examine any person, and the reserved information which the Judge, instructor of the proceedings, has procured, have not offered favourable result, nor exists respecting this particular more data than the denunciation or notice given; but as this would be, in every case, an aggravating quality of the traffic made, or intended to make, that it should be borne present, in the proceeding formed against those who engaged the vessel in infraction of the Treaties celebrated with Great Britain, nothing can be done till that is instituted, which will be after the making the declaration proposed in the preceding paragraph,—because until then cannot be strictly said what offence there may be to prosecute. However, in order that no such excess remain unpunished, with the object on the one side to accelerate the formation of the cause, and on the other to secure the denounced crew, for making, in their case, the legal responsibility in that effective for what they have incurred, as well for having engaged in Slave Trade as for having fought with the English boats, if this last extreme result certain, I am of opinion, that whilst the period is running of the summoning there should be placed in the Secretary's office of the Government full testimonials of the proceeding taken by the Assistant of the Captaincy of the Port, and delivered to the commissaries and district captains a copy of the muster-roll of folio 7, with the order that they should proceed to conduct to the public prison, in the class of detained persons, all and every one of the individuals that the said document mentions, to the end that they shall not succeed in flying and evading the penalties which they may have incurred. Your Excellency, however, may determine on all and each of the particulars that this opinion comprehends, as you may esteem most becoming, and in every event to command the resolution to be communicated to the Commissioners and Consul of Her Britannic Majesty, informing them, at the same time, that the denunciation was inexact which Mr. David Turnbull made, of the captain of the brigantine '*Trueno*' inhabiting in the company and house of a mulatto woman of St. Domingo, in the Calle de Cuba, No. 15; since, having examined the three persons who compose the family, and eight lodgers more who live in the house, it results that neither has inhabited, nor entered into it for many months, to this any seafaring man, Spanish or Portuguese; and that the mistress, Clementina Bigo, has no other than a son, engaged in the trade of a mender of pianos, and a daughter, named Juana Boyer."

And having acceded myself to this expressed advice, I transmit it to you, Gentlemen, for your information, and in answer to your official letter of the 3rd of the last preceding month relative to the affair; with the understanding that I have also ordered to be continued the said investigations before the same adviser.

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

God preserve you many years.

(Signed) GERONIMO VALDES.

Second Enclosure in No. 137.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, July 15, 1842.

WE have received your Excellency's official communication of the 13th instant, informing us of the results of the investigations entered into respecting the Portuguese brig "*Trovaço*," otherwise

"*Trueno*," from which we regret to find that, though there are indisputable proofs afforded of the vessel having been engaged in Slave Trade, yet that the crew have hitherto escaped detention, and may probably altogether escape punishment, not only for the offence of Slave Trade, but also for that of the outrage and murder they are said to have committed.

We feel assured that Her Britannic Majesty's Government will feel much disappointment at such a result, and therefore hope that, under your Excellency's strict orders, the guilty parties may yet be brought to justice.

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

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

No. 138.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, July 20, 1842.

(Received August 29.)

MY LORD,

DURING the last month we have not heard of any vessel having sailed hence which we can designate as being intended for Slave Trade. Of one, the "*Trueno*," which entered on the 1st ultimo, we have already reported to your Lordship the full details; and of another vessel, which arrived here under suspicious circumstances under the Portuguese flag, we have not been able to learn any satisfactory particulars.

During the present month there has been a landing of upwards of 400 negroes near Matanzas, respecting which we have addressed a communication to the Captain-General, who has in consequence instituted a rigorous investigation into the circumstances. These will therefore have to form the subject of a subsequent Despatch.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 139.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, August 4, 1842.

(Received September 9.)

MY LORD,

WE have the honour to enclose a further communication from his Excellency the Captain-General, enclosing us the list for the last month (being the seventh) of emancipado negroes to whom have been given up their papers of freedom since the month preceding.

From this list it appears that there have been thus put in full possession of their liberty a further number of 76 emancipados, of whom 50 are males and 26 females, with 17 children in addition; making a total, with the former reports, of 739 emancipados of both sexes, and 246 children.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 139.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 1, 1842.

ADJOINED is the list of the emancipated negroes to whom, in the month of July just passed, have been given their papers of freedom, with mention of the children the females have borne; all in continuation of the notices upon this particular which I have given you antecedently.

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

God preserve you many years.
(Signed) GERONIMO VALDES.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been given their respective Certificates of Emancipation, by order of His Excellency the Captain-General, from the 1st until the 31st of July just passed.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Antonio	Voladora	15
Paulo	Marte	226
Marcelina	Marte, 5 years	Midas	140
	Victoria, 2 years.		
Eusevia	Gerges	261
Saturnino	Manuelita	304
Luisa	Quintina, 2 years	Voladora	219
Maria Ascension	Josefa	176
Felipa	Mariano, 9 years	Josefa	175
	Petrona, 7 years.		
Catalina	Carlota	67
Rosa	Gerges	263
Eusevia	Merced, 7 years	Aguila	216
	Dolores, 3 years.		
	Julian, 2 years.		
Demetrio	Manuelita	319
Clotilde	Manuelita	148
Blas	Gallito	27
Longino	Campeador	178
Agripina	Gerges	239
Eufemia	Voladora	198
Hermenegildo	Manuelita	101
Joaquin	Manuelita	216
Pedro	Manuelita	300
Tomas	Manuelita	389
Tomas	Negrito	299
Pedro	Negrito	277
Juan	Manuelita	322
Tranquilino	Manuelita	330
Pio	Manuelita	333
Pablo	Manuelita	361
Timoteo	Manuelita	364
Luis	Manuelita	367
Antolin	Manuelita	375
Justo	Manuelita	377
Leoncio	Manuelita	382
Sibbestre	Manuelita	325
Roque	Manuelita	358
Bartolomé	Manuelita	316
Juan	Voladora	114
Joaquina	Josefa, 5 years	Gerges	262
Rosalia	Rosa	263
Eufemia	Emilio	70
Juan	Campeador	3
Secundina	Negrito	400
Marcelina	Negrito	1
Donato	Negrito	38
Nicolas	Negrito	212
Isidro	Negrito	112
Esteban	Negrito	88
Benito	Negrito	63
Toribio	Negrito	86
Hermenegildo	Negrito	85
Isabel	Gerges	241
Benancio	Santiago	24
Pablo	Ninfa	190
Quintín	Voladora	215
Gabriel	Fingal	18
Bonifacio	Negrito	111
Olaya	Gerges	212
Sebastian	Emilio	19
Francisco	Emilio	156
Olaya	Negrito	338
Simeon	Planeta	66
Cecilio	Emilio	30
Sebastian	Gallito	44
Desideria	Pascuala, 3 years	Midas	152
	Domingo, 1 month.		
Geronimo	Ninfa	275
Plutarca	Josefa, 5 months	Negrito	299
Carlos	Aguila	448
Pascuala	Martina, 5 years	Midas	150
	Ramon, 2 years.		

CLASS A.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Julian	Rosa	131
Leandra	Josefa	139
Francisco	Gallito	24
Juliano	Firme	127
Robustiano	Rosa	132
Anastasia	José Demesio, 8 years Dolores, 6 years.	Intrepido	106
Erequiel	Emilio	78
Jacoba	Relampago	78
Esteban	Manuelita	321

76 emancipados who have received their certificates of freedom during the month which has ended, and 17 children the females have had.

Of whom are 50 males and 26 females; total, 76.

(Signed)

FRANCISCO GARNICA,

Secretario.

Havana, July 31, 1842.

Second Enclosure in No. 139.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 1, 1842.

WE have the honour to acknowledge the receipt of your Excellency's communication of this date, enclosing us a list of 76 emancipados to whom have been given their papers of freedom during the month of July just passed, with further mention of 17 children the females have borne. The which list we will take the earliest opportunity of transmitting to Her Britannic Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 140.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, August 9, 1842.

MY LORD,

(Received September 19.)

WE have the honour to enclose copies of a correspondence we have had respecting the landing of a cargo of upwards of 400 Africans on the coast within the jurisdiction of Camarioca, which is situated about six leagues east of Matanzas.

On the 16th of July we received a letter from Her Majesty's Consul-General, Mr. Crawford, transmitting us an anonymous letter he had received, detailing the particulars of this landing, said to have been on the 7th of that month, and the disposal of the negroes. The writer also detailed the proceedings of the captain of the district, who was said to have been bribed to connive at the landing; and of the cabo de ronda, or chief of the round or watch, what seemed to have been left out of the arrangement, and was therefore disposed to act on the other side, so as to raise a suspicion of his being cognizant of the information afforded. The particulars, however, were given with a circumstantiality which induced us to believe the information trustworthy, and especially as it stated that the Captain-General had already been made acquainted with the circumstances, and had already instituted an inquiry into them; which inquiry, however, was evidently destined to be ineffectual, inasmuch as it was proceeding under the charge of the captain of the district himself.

If this were true, we could have no hesitation in relying on the remainder, and we therefore on the same day addressed a letter to the Captain-General, repeating what we had learned, without, however, stating that it was anonymous, and observed that if his Excellency had already instituted such an inquiry under such circumstances, we would respectfully request him to direct another, under different auspices, to examine the cabo de ronda and the estates specified, on which the negroes were said to be found.

By his letter of the 19th of July his Excellency informed us that it was true he had instituted such an inquiry, from which nothing had resulted; but that,

upon our information, he had commissioned a different person to repeat the inquiry, and search the estates pointed out.

On the 5th instant his Excellency addressed us another communication, stating that new investigations had been duly entered into, according to his former letter, and strict searches made for the negroes, but that no vestige of them could be found, from which he deduced the consequence that our information was incorrect.

At such a distance it is not easy for us to form an opinion positively as to such circumstances, but, as we stated in our reply, the fact of a landing of a considerable number of negroes about that time on the coast was immediately currently reported and believed; and we can therefore only lament this unfortunate termination of the inquiry, as an instance of the difficulties which the Captain-General will have to encounter in his endeavours to put down the Slave Trade. This same vessel, it is said, had been beating off the coast some time, and had been endeavouring to effect a landing at different places before an arrangement was made with the officers of Camarioca. The bribe was said to have been 100 doubloons, which was only half of what would have been paid to the Captain-General for his permission, had he been one to follow the example of his predecessors. No one, however, insinuates a suspicion of General Valdes, and it is not to be supposed that he would consent to his subordinates receiving what he rejects. But when we consider the course which has been so long pursued by the chief authorities, we cannot be surprised at the subordinates being ready to follow the example; and when the consequences were to be apprehended of a serious character, we cannot say to what extent the parties might think it worth their while to make their sacrifices. One hundred doubloons, or 320*l.*, would probably be as much as his usual income for two years to the captain of the district; and the parties would no doubt be prepared to sacrifice the half to preserve the remainder. Supposing the 400 negroes to be worth only 300 dollars per head, this would amount to 120,000 dollars, or near 25,000*l.*, of which two-thirds might perhaps be clear profit. It is evident, therefore, that there would be sufficient in hand to obtain any decision or evidence required, silencing the discontented and satisfying the willing mind of any person that might be commissioned, in such a Government as this has been, to prosecute the inquiries.

Ten days after we had addressed the communication above mentioned to the Captain-General, we received a letter from Mr. Turnbull on the reports, which had then become current, and which we enclose, though not carrying the subject further than already communicated.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

First Enclosure in No. 140.

Mr. Crawford to Her Majesty's Commissioners.

SIRS,

Havana, July 16, 1842.

LATE last night the enclosed letter was left with the porter at the door of my house, and although anonymous you will observe it contains such circumstantial information as induces me to think that it is but too true.

It appears by this letter, which is dated at Camarioca the 15th of July, that on the 7th instant a Spanish barque anchored in that port, which is in the jurisdiction of Guasimas, district of Camarioca, and there landed upwards of 400 Bosal negroes, who were divided and sent to the following estates: To that of Don Antonio Bega, on the Citio de Bianda del Riberol, and hidden in some caves which are used for such purposes; others to Don Senon Fort, and to the estate of Don Claudio de la Rosa. That as soon as it was known to the Cabo de Ronda of Guasimas, Don Juan Hernandez Aba, he wished to take the vessel, giving information to the captain of the district; but this having been done, tidings reached the ears of Don Jayme Badia, the agent of Don Luis Crespo, the owner of the adventure, as to the intention of the Cabo de Ronda, to whom he (Badia) went and said, that the captain and lieutenant of the district were in the knowledge of all the circumstances, having taken a gratification of 100 gold ounces, and therefore he (the Cabo) ought to raise no difficulty whatever, the others having agreed to hush up the matter; and this induced the Cabo de Ronda to address to the captain of the district the following official communication:—

"Guasimas, July 10, 1842.
 "Intelligence having reached me of a disembarkation on this coast from a negro vessel, I quietly set about ascertaining the truth, and having done so, I determined to seize her and report the same to you: but when everything was arranged for that purpose I learnt from Don Jayme Badia himself, that this business was arranged with you, you having been bribed by the interested; so that in consequence I have suspended all proceedings until I hear from you, in order that if this be true you may make arrangements that you be not compromised in this affair."

On the 10th this communication was made to the captain; but until the 12th, when an officer of dragoons and 20 soldiers came from Matanzas, nothing was done, and whatever was said about it was denied; but the Captain-General having heard of it from some of the inhabitants of the district, he immediately wrote to the Governor of Matanzas to put these troops in march, and endeavour to discover the whole of this affair. Very clear and known, however, is the bad faith of the captain of the district, when even the orders of the Captain-General are disobeyed; for he has only gone out on two occasions on the high roads at the head of the troops, to give effect and make an appearance; and to blind the officer he questioned some persons as to their being concerned. But if you are desirous of clearing up the truth, inform the Captain-General of what has occurred, and ask him to commission a person of his confidence for the purpose of questioning the Cabo de Ronda above-mentioned; take declarations from the inhabitants of character in this district, and you will see how soon everything will be found out, and the African Bozals make their appearance.

I leave this important communication to your official interference, and
 I have, &c.

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

(Signed)

J. T. CRAWFORD,
 Consul-General in Cuba.

(Translation.)

Enclosure in the above.

Anonymous Letter addressed "To the Consul-General of England in this Island, Mr. Joseph Tucker Crawford, in the City of Havana."

SIR,

Camarioca, July 15, 1842.

As you are charged by the English nation to prevent the bringing of Bozal negroes to these ports, I inform you that on the 7th instant anchored in the port called Cayuelo, jurisdiction of Guasimas, and district of Camarioca, a Spanish vessel with 400 and upwards of Bozal negroes, the which, as they were disembarked, were immediately distributed among the following estates: in that of Don Antonio Bega; in the provision-grounds of Riberol, hid in some caves used for that purpose in that place; in the grazing-ground of Don Senon Fort; and in that of Don Claudio de la Rosa. Acquainted with this fact, the Cabo de Ronda (head of the round-watch) of the quarter of Guasimas, Don Juan Hernandez Aba, thought to seize them and to give notice to the captain of his district after the act; and this determination having reached the ears of Don Jaime Badia, agent of Don Luis Crespo, the owner of the expedition, he came to the Cabo and told him that the captain and lieutenant of the district were already aware of the circumstance, and that they had been gratified with 100 ounces of gold, and for that same he should not make any question, as they were willing to conceal all; on account of which the said Cabo determined to forward to the captain the following note:—

"Guasimas, July 10, 1842.
 "Senor Captain, district judge of this district,—Having become acquainted of the bringing to this port of a slave-cargo, I proceeded silently to ascertain the fact; and after having assured myself of all, I determined to make the capture, and give notice to you of what had passed; but when I was proceeding to this I learned from Don Jaime Badia, as he himself told me, as that this business was arranged with you, and that you had been bribed by the interested parties; and in consequence of this I have suspended all proceeding until notice from you, in order that if this be correct you may avail yourself of the manner to manage the matter without compromising yourself.

"God preserve you many years."

On the 10th he made thus known to the captain, as shown, all that passed; and until the 12th, when an officer of dragoons arrived with 20 soldiers from Matanzas, he took no step of any kind, and whatever things were said to him respecting it he denied all. The same as when the Captain-General, made acquainted of the fact by one of the inhabitants of the district, he notified immediately to the governor of Matanzas that he should put the said troop forward for the discovery of the affair; but the ill intention of the captain of the district is sufficiently clear and known when he disobeyed those orders of the Captain-General, since all he did was to go out on two occasions, to pass along the high road at the head of the troop, to give it a tone and colour; and to comply with the officer he asked some persons who were interested in them. Further, if you wish to clear up the truth, advise the Captain-General of what has passed, and that he commission some person of confidence for this purpose, making inquiries of the Cabo de Ronda referred to, taking depositions of the respectable inhabitants of the district, and you will see how all will be discovered, and the Bozals from Africa appear. This is what the respectable portion of this jurisdiction have to communicate, and they desire truth and justice to shine forth.

Fearing that this or the other may miss reaching your knowledge, I forward this information in duplicate, and by different means, that one or the other may arrive.

Second Enclosure in No. 140.

Her Majesty's Commissioners to Mr. Crawford.

SIR,

Havana, July 16, 1842.

We have received your letter of this date, and its enclosure, respecting the landing of 400 Bozal negroes at Camarioca, on or about the 7th instant, and certain proceedings thereon had in consequence, and we have this day addressed a communication to the Captain-General on the subject.

Jos. T. Crawford, Esq.
 &c. &c. &c.

(Signed)

We have, &c.

J. KENNEDY.
 C. J. DALRYMPLE.

Third Enclosure in No. 140.

Her Majesty's Commissioners to Mr. Crawford.

SIR,

Havana, August 6, 1842.

HEREWITH we have the honour to enclose you a copy of a letter we have received from the Captain-General, communicating the unfavourable result of the inquiries instituted respecting the landing of negroes at Camarioca on the 7th ultimo, as reported to you in the anonymous letter to you of the 15th of July.

Jos. T. Crawford, Esq.
&c. &c. &c.

(Signed)

We have, &c.

J. KENNEDY.
C. J. DALRYMPLE.

Fourth Enclosure in No. 140.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, July 16, 1842.

WE have received information, given with a circumstantiality which induces us to consider it trustworthy, of a landing of about 400 Bozal negroes at Camarioca on or about the 7th instant, who, by means of bribes given to the capitan and other officers of the district, were allowed to be divided by one Jayme Badia, acting on behalf of Don Luis Crespo, the owner, among the estates of Don Antonio Bega, of Don Simon Fort, and Don Claudio de la Rosa. The report states that your Excellency is already acquainted with the fact of the landing, and has directed investigations accordingly; but that the capitan of the district is misleading your officer, by making pretended inquiries of persons whom he knows well will deny all knowledge of the transaction.

Should this much be true, we then trust your Excellency will think proper to institute stricter investigations, and call upon the Cabo de Ronda, and the truly respectable inhabitants of the district, as well as search the estates referred to, when we feel assured the negroes will be found.

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

(Signed)

We have, &c.

J. KENNEDY.
C. J. DALRYMPLE.

Fifth Enclosure in No. 140.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, July 19, 1842.

APPRIZED of your communication of the 16th instant, repeating the information you had received, and considered trustworthy, relative to the disembarkation of 400 Bozal negroes in Camarioca, by bribing the capitan and other officers, the which negroes were divided, by an individual named, among the estates whose masters are pointed out, I state to you that I had already ordered the investigation, from which nothing resulted; but upon the information you have given me I name a new Commissioner, in order that he with all diligence inquire into what has occurred respecting this particular.

The which I state to you, Gentlemen, for your information, and for provisional answer.

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

(Signed)

God preserve you many years.

GERONIMO VALDES.

Sixth Enclosure in No. 140.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 5, 1842.

NEW investigations having been made by a distinct Commissioner, for inquiring into the disembarkation and proceeding to seize Bozal negroes on the coast of Camarioca, in which no person of consequence in that neighbourhood has been left unexamined, without omitting strict searches of the estates pointed out by you, in your communication of the 16th of last month, and other places in the neighbourhood, in the port, the bay, and landing-places, without finding the least vestige or footmark, it appears in consequence that the information was incorrect which was communicated to you, and which you repeated to me.

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

(Signed)

God preserve you many years.

GERONIMO VALDES.

Seventh Enclosure in No. 140.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 6, 1842.

WE have had the honour to receive your official communication of yesterday's date, informing us that not the least vestige has appeared of the disembarkation of negroes at Camarioca on the 7th of July last, as repeated, according to report, in our letter of the 16th of that month.

We assure your Excellency that we would not have addressed your Excellency on the subject had we not considered the information trustworthy ; and we regret to have to add that the facts stated are currently reported and believed.

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

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

Eighth Enclosure in No. 140.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Her Majesty's Ship "Romney," Havana, July 25, 1842.

I BEG to acquaint you that among various recent instances of the countenance which is still afforded by the authorities of this island to the importation of slaves from the coast of Africa, a cargo of 400 was recently landed at Camarioca, and that the delinquent slaver is still lying at that place, under the eye and with the perfect knowledge of the local authorities.

A similar successful landing has recently taken place from the "*Bolador*," which has since entered, and is now at anchor in the roadstead of Matanzas.

Both slavers, I understand, have last sailed under the Portuguese flag.

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

I have, &c.
(Signed) DAVID TURNBULL.

Ninth Enclosure in No. 140.

Her Majesty's Commissioners to Mr. Turnbull.

STR,

Havana, July 26, 1842.

WE have received your letter of yesterday's date, informing us of the landing recently of 400 Africans at Camarioca, which you say is another instance of the countenance afforded by the authorities of this island to the importation of slaves from the coast of Africa.

In reply we have to inform you that on the subject of this landing, which took place on the 7th instant, we addressed a communication to the Captain-General on the 16th instant, ten days since ; but his Excellency had previously instituted an inquiry into it.

These negroes we believe came in the slave vessel you refer to as the "*Volador*," at Matanzas, though you mention it as another case of successful landing.

David Turnbull, Esq.
&c. &c. &c.

We are, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Tenth Enclosure in No. 140.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Her Majesty's ship "Romney," Havana, July 27, 1842.

I HAVE had the honour to receive this morning your letter of yesterday, and I hasten to state that on referring to my informant of the 25th instant, I find that the first vessel referred to in my letter of that day is a bark, now lying at Camarioca, while the "*Bolador*," or "*Volador*," now lying at Matanzas, is a brig ; and that both have successfully landed their cargoes of slaves on the neighbouring shores of this island.

I beg leave to add that the local authorities, who have winked at these infractions of the Slave Trade Treaties (Camarioca being within the district of the Lieutenant-Governor of Matanzas), are still, to all outward appearance, in the full enjoyment of the confidence of their superiors ; and as no effectual measures have been taken, after the landing of these two cargoes, to prevent the distribution and absorption of the negroes, which has since taken place, among the general mass of the slave population, I can only repeat that I look upon these facts as so many fresh proofs of the countenance which is given by the authorities to the importation of Africans, and the open violation of the treaties for its suppression.

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

I have, &c.
(Signed) DAVID TURNBULL.

No. 141.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, August 13, 1842.

(Received September 9.)

MY LORD,

WE have the honour to report that we have not heard of any vessel having arrived in this port, or in its neighbourhood, during the last month

from the coast of Africa, nor of any having sailed hence under suspicion of being intended for Slave Trade, except it may be the American schooner "*Seminole*," which sailed ostensibly for New Orleans on the 25th of July. This vessel has made one voyage, at least, already from this place to the coast of Africa, and is commanded by a Portuguese named Cazoy, who told some people on the wharf that he should go there again.

If, however, the trade be driven from this port, we regret to learn that it appears reviving at Matanzas. We have heard of no fewer than three slave-vessels having arrived during the last month at that place or in its neighbourhood, of which two brought upwards of 700 negroes. The third, the "*Volador*," we understand landed a cargo at Puerto Rico, and has since sailed again, after refitting at Matanzas. We would therefore humbly suggest the advisability of proper agents being appointed at those places, as a check upon such practices.

Respecting the other two vessels referred to, we have had to address various communications to the Captain-General of the island; of these one forms the subject of the previous Despatch, and the other will have to be subsequently detailed, when the promised investigations shall have been completed.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 142.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 6, 1842.

WITH reference to previous correspondence on the subject of the slave-vessel "*Jesus Maria*," and the crimes said to have been perpetrated by the master and crew of that vessel against the negroes who were on board of her, I herewith transmit to you a copy of a Despatch from Her Majesty's envoy at Madrid, containing the reply of the Spanish Minister to a representation addressed to the Government of Her Catholic Majesty upon the subject in question.

You will perceive from the note of Count Almodovar that the Spanish Government have directed the authorities of Cuba to proceed against the guilty parties.

I have to instruct you to watch over any proceedings which may be taken in this case, and to use your best endeavours in any way that may be in your power to aid the ends of justice and to secure the punishment of offenders; and you will report to me the result of the measures taken, for the information of Her Majesty's Government.

I am, &c.

(Signed) ABERDEEN.

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

Enclosure in No. 142.

Mr. Aston to the Earl of Aberdeen, September 9, 1842.

(See Class B, No. 27.)

No. 143.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, August 16, 1842.

(Received October 6.)

MY LORD,

WE have the honour to report that Mr. Turnbull, Her Majesty's Superintendent of liberated Africans, sailed hence yesterday, the 15th instant, as we

understand for Nassau. Mr. Turnbull gave us no intimation of his departure or intentions, but we learn that he has left the charge of his duties, as Superintendent, to Mr. Crawford, Her Majesty's Consul-General, with whom therefore we shall think it right to communicate should any slave-vessel be brought in here for adjudication by any of Her Majesty's cruisers.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 144.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, August 22, 1842.

(Received October 6.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 4th of July last, transmitting us six copies of the Treaty concluded with the Oriental Republic of Uruguay, for the Suppression of Slave Trade; and also of the 9th of July last, desiring us to communicate to the Captain-General of this island the satisfaction of Her Majesty's Government on the measures taken by him in giving to the emancipated negroes their papers of freedom, and to call on him for his protection, on behalf of that class of persons, against the frauds to which they are exposed.

Of the treaty we have presented a copy to the Captain-General, and also one to the Spanish Commissioners of the Mixed Court; and in obedience to your Lordship's instructions in the last-mentioned Despatch, we have this day addressed a communication to his Excellency, which will therefore have to form the subject of a subsequent report.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 145.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, August 23, 1842.

(Received October 6.)

MY LORD,

WE have the honour to enclose copies of three communications we have received from the Captain-General of this island, informing us of the seizure, under his orders, of 105 Bozal negroes, and of his having declared them free, subject to an assignment, of those of 13 years of age for seven years, and those above that age for five years, to persons of known character, to be instructed in the doctrines of religion, and in some means to obtain for themselves, at the expiration of their apprenticeship, a becoming livelihood.

Of these, 25 were taken by the Juez Pedaneo of the district of Camarioca, in his district, as it is said—15 on the 28th, and 10 on the 29th of July last—and were, no doubt, part of the cargo respecting which we reported the details to your Lordship in our Despatch of the 9th instant.

The other 80 are said to have been taken by the customs guard of Matanzas, within that bay, also on the 28th of July, and form, no doubt, part of the cargo of a vessel respecting which we shall have to report the circumstances in another Despatch.

In our acknowledgments we stated that we would take the earliest opportunity of transmitting these communications to Her Majesty's Government;

and with regard to the first-mentioned seizures, as it was impossible to suppose they were the only individuals of the class brought in the vessel which introduced them, we added our hope that, under the fear of his Excellency's justice, the remainder might also be speedily produced.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 145.

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

GENTLEMEN,

Havana, August 17, 1842.

THE corresponding summary having been instituted by the Captain Juez Pedaneo of the district of Camarioca, in consequence of the seizure he made of 15 Bozal negroes, in the anchoring place called "Caleta de Barca," the 28th of July last, I have, conformably to the advice of the first Assessor-General of this Government, declared the said 15 negroes free, commanding their respective papers of emancipation to be issued to them; but holding in consideration that they are ignorant of our language, or of employment calculated to proportion themselves subsistence, I have ordered that, for seven years, the minors of 13, and for five years those who exceed that age, be consigned, in obedience to the conditions dictated by this superior Government, to persons of known character, that they may be instructed in the doctrines of our religion, and in useful employment which may afford them maintenance in future, without being prejudicial to society.

The which I state to you, Gentlemen, for your information.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Second Enclosure in No. 145.

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

GENTLEMEN,

Havana, August 17, 1842.

ON the proceedings instituted in consequence of the seizure which the Captain Juez Pedaneo of the district of Camarioca made of 10 Bozal negroes on the beach of "Punta de Maya," in the night of the 29th of July last, I have, conformably to the advice of the First Assessor-General of the Government, declared the said 10 negroes free, commanding their respective papers of emancipation to be issued; but taking into consideration that they are ignorant of our language, or of employment calculated to proportion themselves subsistence, I have ordered that for seven years the minors of 13, and for five years those who exceed that age, be consigned, in obedience to the conditions dictated by this Superior Government, to persons of known character, that they may be instructed in the doctrines of our religion and in useful employment which may afford them maintenance in future, without being prejudicial to society.

The which I state to you, Gentlemen, for your information.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Third Enclosure in No. 145.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 18, 1842.

WE have received your Excellency's two communications of yesterday's date, informing us of the seizure of 15 Bozal negroes on the 28th, and 10 others on the 29th of July last, by the Captain Juez Pedaneo of the district of Camarioca, and your Excellency's dispositions respecting them.

As it is impossible to suppose that these were the only individuals of that class brought by the slave-vessel which introduced them, we trust that, under the fear of your Excellency's justice, the remainder of the cargo may also be speedily produced.

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

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

Fourth Enclosure in No. 145.

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

GENTLEMEN,

Havana, August 17, 1842.

IN consequence of the seizure which Don Juan Sierra, Lieutenant of Carbineers, Commander of the Customs' Guard of the Port of Matanzas, made on the night of the 28th of July last, of 80 Bozal

CLASS A.

negroes, whom he found between the point called Yumuri and the fishers' quarter, I ordered the correspondent summary to be instituted; and on view of that and of the counsel of the First Assessor-General of this Government, I have declared the said 80 negroes free, directing their papers of emancipation to be issued; but holding in consideration that they are ignorant of our language, or of any service capable of proportioning them a subsistence, I have directed the minors of 13 to be assigned for seven years, and those who are above that age for five years, subject to the conditions dictated by this superior Government, to persons of known character, in order that they may be instructed in the doctrines of our religion, and in useful employment which may afford them maintenance in future without being prejudicial to society.

The which I state to you, Gentlemen, for your information.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 145.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 18, 1842.

WE have had the honour to receive your Excellency's communication of yesterday's date, informing us of the seizure of 80 negroes on the coast at Matanzas, on the 28th of July last, and of your Excellency's dispositions respecting them; the which we will take the earliest opportunity of transmitting to Her Britannic Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.
C. J. DALRYMPLE.

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

No. 146.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, August 27, 1842.

(Received October 6.)

MY LORD,

WE have the honour to enclose copies of a correspondence we have had with the Captain-General of this island, respecting a landing of upwards of 300 negroes, effected at Matanzas, on the 30th of July last. Respecting this we received a letter from Her Majesty's Consul-General, Mr. Crawford, on the 5th instant, informing us of the fact, and alleging a participation in it on the part of the Governor of that place. Other information we had received induced us to believe it to have been the Lieutenant-Governor, in which we afterwards found ourselves to have been in error; but, under that impression, we addressed a communication the same day to the Captain-General, stating the circumstances reported to us, and urging him to institute a strict inquiry respecting them.

To this his Excellency returned us a provisional answer on the 6th, promising an inquiry, and embodying the advice of the First Assessor General, respecting which, in our reply of the 9th, we found it our duty to enter into a controversial consideration, on account of the arguments it advanced. These were, first, to exculpate ourselves from the charge of giving unfounded information, asserting that we believed our reports to have been always substantially correct, and almost always what was here current and generally believed. Second, to deny that the Treaty had reference only, as the Assessor-General asserted, to prizes made at sea; according to which doctrine it was maintained that the Captain-General was under no obligation to follow up into the estates the landings of negroes after they had been effected. Against this we contended that as the 1st Article of the Treaty of 1835 declared the Slave Trade, on the part of Spain, totally abolished in all parts of the world, and the 2nd Article covenanted that the Spanish Government would use its utmost efforts to prevent its subjects being concerned in any way in the trade in slaves, those efforts must be held to extend to efforts on land as well as at sea, not as of a supererogatory zeal, but as of a just duty; and therefore that the measures his Excellency were taking for the apprehension of Bozal negroes was only in due observance of the Treaty. Third. We declared it impossible for us to be limited to giving information, as intimated to us for our guidance, only of disembarkations of negroes before or at the time of their being effected. Such restriction was calculated to suppress all communication, because it would be impossible

for us to be expected to possess it where, as in the case in question, it might be happening a hundred miles or more from our locality. We therefore stated that "we must continue to give such information as we might be able to obtain of all infractions of the Treaty, leaving the future responsibility on this Government."

At this expression the Assessor-General in his rejoinder, as repeated in the Captain-General's communication of the 18th instant, took umbrage, as if it were used as a threat; and also at our use of the word "charge," in our letter of the 9th, where we had said "that we should be glad at any time to find the charges unfounded," ascribing it to mean a non-fulfilment of duty on the part of his Excellency. In other respects the Assessor repeated his former opinions, declaring that the 1st and 2nd Articles of the Treaty were only of a general character, and to be considered as with reference only to the succeeding articles, and especially the third, which imposes penalties on the captain, master, mate, and owner or proprietor of the vessel in which the negroes were brought.

In contravention of these assertions, in our letter of the 20th instant we stated that the accusation of our giving incorrect information came very inopportunately on this occasion, when his Excellency's seizures, about the very time stated, of 25 Bozal negroes at Camarioca, and 80 at Matanzas, proved that our allegations were substantially correct, and that our use of the word "charge" certainly had not, in our conception, the meaning which was now mistakenly attached to it. We also observed that in using the word "responsibility" we intended only to say that we considered ourselves under the responsibility of giving his Excellency every trustworthy particular we learned of every infraction of the Treaty, after which our responsibility ceased; and also that with regard to the right construction of the obligations of the Treaty, whether it extend to efforts on land, or be confined only to efforts at sea, we considered it not a subject for argument, but for reference to the superior Government, being meanwhile content with the measures his Excellency was taking for the suppression of the trade.

We certainly have the utmost confidence in the good faith of the present Captain-General; but we regret we cannot entertain the same of his subordinates, or rely on the same conduct being pursued by his successors, if we may judge of the future from the past. If therefore this restricted construction of the Treaty be just, and the negroes, when once on an estate, are to be exempt from our notice, we can only expect in future that they will be also beyond all hope of escape from the evils of slavery.

Subsequent to our first communication we had too much reason to believe that the Governor of Matanzas himself, and not the Lieutenant-Governor, was the principal proprietor of this adventure; and it is universally reported that he has profited by it to an enormous extent. We therefore thought it right, in our letter of the 26th, to the Captain-General, to correct our error, in justice to the Lieutenant-Governor; though, as his Excellency had declared, in the course of the correspondence, that it should be the last time of his ordering an estate to be searched upon our solicitation, we observed that as we could not expect any further search in the present case, we should not ask it. Under the circumstances, therefore, on the whole, it cannot be matter of surprise that the search ordered should have ended in no satisfactory result. The commission, it appears, by the Captain-General's final letter of the 20th instant, was intrusted to the town or fort-major of Matanzas, who it seems made a search on what he no doubt knew at the time was not the estate really intended, and, consequently, found no other negroes there than "Ladinos," which is the designation for those who have been some time introduced from Africa, as distinguished from "Criollos." His other investigations were also equally fruitless, and therefore, according to the argument of the Assessor-General, a proof of inaccurate information; though we regret to have to repeat our full belief of a gross infraction of the laws and treaties having been actually committed, under the immediate aid and protection of the Governor of Matanzas, Don Antonio Garcia Ona.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

First Enclosure in No. 146.

Mr. Crawford to Her Majesty's Commissioners.

SIRS,

Havana, August 5, 1842.

It is my painful duty to inform you that another slaver has successfully landed 300 negroes on the 30th ultimo (at night) in Matanzas; as appears by the following translation of the extract of a letter received here by a person of confidence:—

“ I acquaint you that the night before last, at Oracion, there entered this port, in perfect safety, a vessel from the coast of Africa with 300 and odd negroes, who were landed without opposition, and each of the shareholders received his proportion. Afterwards, when the negroes were already on the road to their various destinations, the Governor (who has an excellent estate) ordered the vessel to be visited and scrupulously examined, to see if any negro had by chance been forgotten in some of the hiding places. Every thing turned out to calculation, and the manœuvre so well got through that the public of Matanzas, who were aware of the matter, were quite delighted with the zeal and activity of the authority, and quite contented that the whole was thus proved to have been a falsehood.”

There is no doubt but that a cargo of negroes, exceeding 300, has been run at Matanzas, with the connivance of the Governor, as stated in a burlesque manner by the writer of the letter above translated. It is also said, and doubtless truly, that a slaver fitted out at Matanzas sailed therefrom last week; and from the large sales of goods effected here within a few days, adapted solely for the coast of Africa trade, I am apprehensive some outfits are contemplated of great extent.

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

(Signed)

I have, &c.
JOS. T. CRAWFORD,
Consul-General in Cuba.

Second Enclosure in No. 146.

Her Majesty's Commissioners to Mr. Crawford.

SIR,

Havana, August 5, 1842.

We beg to thank you for your letter of this date, informing us of a slaver having landed a cargo of 300 negroes at Matanzas on the 30th ultimo, respecting which it will be our immediate duty to address an official communication to the Captain-General.

Jos. T. Crawford, Esq.,
&c. &c. &c.

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

Third Enclosure in No. 146.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 5, 1842.

We regret to have it our duty to inform your Excellency that various letters have been received in this place, stating that a vessel, with upwards of 300 negroes, arrived at Matanzas on the evening of the 30th July last, who were landed without opposition, and at once distributed. After this a pretended search of the vessel was instituted; but as the report states that the Lieutenant-Governor himself had a share in the speculation, of course nothing to implicate the parties could be expected to result.

We therefore trust your Excellency will institute a further strict inquiry, and especially direct an estate near Matanzas to be searched for Bozal negroes, which estate is the property of the Lieutenant-Governor of that place.

We regret to have to add that that Governor has allowed a vessel, named, we believe, the “*Volador*,” to sail about a week since equipped for Slave Trade, and that one or more vessels may be now found preparing in that port for the like purpose.

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

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

Fourth Enclosure in No. 146.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 6, 1842.

THE FIRST Assessor-General of this Government, to whom I referred your communication of the 5th instant, with reference to the arrival at Matanzas of a vessel with more than 300 negroes, who were disembarked and distributed in the manner you mention, has advised me of this date the following:—

“ Most Excellent Sir,—The English Commissioners should be answered, that of this same date your Excellency gives the becoming commission to a person distinct from the Government, that he proceed to the summary investigation of the fact indicated, a fact of which undoubtedly they will have been informed with little exactitude, as in others preceding, by their having confounded it with a certain disembarking and seizing which with a difference of days was made in that point, and of which at its time you will give them the becoming information; the which proves two things at one time—

one that the agents of Her Britannic Majesty are not well informed, and the other that your Excellency and your subordinates have a keen vigilance on this particular, and omit no means for effecting the extinction of the trade in slaves; carrying your proceedings further in that than can be exacted with conformity to the Treaty, which only comprehends prizes made at sea; and your Excellency may be also pleased at the same time to inform them, that if we shall be found always disposed to oppose the disembarkation, of which proper notice may be given, before or in the moment that they are effecting it, you cannot and will not lend yourself more than this once, which is not to be a precedent, in prosecuting the introductions already effected into the estates; on account of that being beyond the Treaty, and contrary to the principles which the English nation has lately recognised and respected. Your Excellency, however, will resolve as always the most proper, and, for the discharge of the commission, will please to name a military chief of your confidence, to whom you will give fitting instructions for proceeding in it in a manner that its object shall not transpire to the negroes of the estate indicated, or of any other, on account of the evils which that might give rise to."

And I, having agreed with this opinion, transmit it to you, Gentlemen, for your information, and for provisional answer, reserving it to communicate to you the result.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 146.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 9, 1842.

WE received only yesterday your provisional answer of the 6th instant, to our communication of the 5th, in which we repeated the reports we had heard of a disembarkation of negroes at Matanzas on the 30th ultimo; and we beg leave to reply to that provisional answer, contrary to our usual custom, because as your Excellency has been pleased to assent to the dictamen of the First Assessor-General, we shall feel it our duty to call the attention of Her Britannic Majesty's Government to the opinions it contains, as deserving of being controverted.

First. We beg to assure your Excellency that we know of no British agents in this island for the purpose of procuring information; and, consequently, whatever information we repeat must be held to be only of circumstances generally reported and believed. Those circumstances, we always take care to assure ourselves, are in the main well-founded, before we repeat them; and though we should be glad at any time to find the charges unfounded, yet we cannot think it just to deny them totally, only on account of minor discrepancies.

Second. We deny that the Treaty has no reference except to prizes made at sea. The first Article of the Treaty covenants with England, on the part of Spain, that the Slave Trade shall be totally and finally abolished in all parts of the world; and the second Article covenants, that the Spanish Government will use its utmost efforts to prevent its subjects from being concerned, in any way, in the trade in slaves. We therefore contend that those efforts must be held to extend to efforts on land, as well as at sea; not as of a supererogatory zeal, but as of a just duty. We therefore also contend that the measures your Excellency has always taken, and is now taking, for the apprehension of Bozal negroes, are only in due observance of the Treaty.

Third. We declare it impossible for us to be limited to giving information only of disembarkations of negroes, either as before, or at the time of such being effected. It is impossible for us, or any one, to be cognizant of such facts precisely; and we must therefore continue to give such information as we may be able to obtain, of all infractions of the Treaty, leaving the future responsibility on this Government.

We have, &c.

(Signed)

J. KENNEDY
CAMPBELL J. DALRYMPLE.

The Captain-General,
&c. &c. &c.

Sixth Enclosure in No. 146.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 18, 1842.

THE First Assessor-General of this Government, to whom I passed your note of the 9th instant, with those preceding relative to the arrival at Matanzas of a vessel with more than 300 negroes, has advised me, of the date of the 15th instant, as follows:—

"Most Excellent Sir,—There are three particulars comprehended in the communication of the Commissioners of Her Britannic Majesty, dated the 9th instant, and I will treat of them in the same order in which they are propounded. Respecting the first, your Excellency and adviser said, 'agents of Her Britannic Majesty,' and not English agents; meaning by that phrase the Commissioners of the English nation, the only persons charged with watching the fulfilment of the Treaty of 1835, and with whom the Government of this island has to communicate officially upon that subject exclusively, as they themselves have shown in communications which exist in the office of the Secretary. Of their zeal, and the probity with which they discharge their duty, it is to be believed that they never make a false annunciation; but when the result of some of their denunciations has shown, by the examination of all the neighbourhood of the place designated, that there has not been, or attempted, any disembarkation whatever in the country about, there arises reason to presume that they have been ill-informed; and even there might be some for complaining that, without a notorious evidence, they should not put the Government of this island and its subordinates in the palpable necessity of losing, in vain investigations, the time precious and indispensable for other affairs not less interesting; and should not pre-

vent them from repairing to other points, where perhaps the disembarkation was effecting; while that with a false alarm they call attention to others, a false notice having reached the ears of the Commissioners, and so put the Government in action on account of them.

"Finally, respecting this first particular is to be added, that in your Excellency's previous communication there is not to be found the least expression indicating denial of the facts; and but the desire of not seeing ourselves obliged to act fruitlessly, nor further than what ought to be done; and that your Excellency promises not to read in another communication the word 'charge,' with which they allude in that of the 9th instant to the denunciations made, because both in the English and Spanish language it supposes a failing in the fulfilment of your duty, and your Excellency has given sufficient proofs of omitting no means which may lead to the suppressing the introduction of Bozal negroes.

"With regard to the second particular, it is true that in the first Article of the Treaty it is stipulated that the trade in slaves shall be abolished in all parts of the world; and that in the second, Spain is engaged to adopt means the most efficacious for preventing its subjects and flag being employed in it in any way; but it is no less true that these general expressions, set down as the preliminary basis of the Treaty, import only the recognition of the principle of abolition, on which that rests; nor can they, nor ought they, to be understood in the wide sense which the Commissioners give them; but concretely with the object of the Treaty, and the means accorded for effecting it. The object was to abolish the traffic, which word has always signified the act of bringing Africans to our coasts, to sell them there as slaves; and the means are circumscribed by the third Article, and following, for the applying of penalties on the captain, master, mate, and owner or proprietor of the vessel engaged in it, and to the establishing of cruisers to put it down. Consequently, your Excellency rightly said, in your previous communication, that your proceedings could not be exacted to be carried beyond the sea, and its coasts or rivers, that form part of it, as is known by common right, and also rightly signified that it had been an excess of zeal executing within land the seizures which had been able to be effected. This zeal has not ceased, nor will cease in future, of which the Commissioners have already received proofs, and will receive anew, with the communications which are to be made them, of the captures made in the district of Camarioca, and in Matanzas; but that your Excellency has done it spontaneously, and following the general laws observed respecting other effects of illegal commerce introduced into the island, it will never follow that they may be demanded in virtue of the Treaty, in which no such obligation is comprehended; and much less to exact of you to search estates, and proceed to an examination which, a few times that it is repeated, will put in alarm the slave population, will give room to the negroes some time imported (Ladinos) to feign the idiotism of Bozales, and denounce themselves as such, and bring on all the inconveniences and evils, which the English Government has acknowledged and respected, in withdrawing the note passed a short time since to the Spanish.

"For the last consideration of the third particular, if the Commissioners understand that it is in the line of their duty to insist exacting always, as it seems right to them, the search of estates, and the formation of new proceedings, notwithstanding that already have been practised what was proper, as has happened in the case which gave ground for this inquiry, it will be necessary that your Excellency do not permit to be taken into consideration, by their indications, any denunciations but what you believe are comprehended in the Treaty, or within the limits which your superabundant zeal for fulfilling it have prescribed; accepting, as you do accept, the responsibility with which they threaten you, and which you do not presume to incur."

And having agreed with the said advice, I enclose it to you, Gentlemen, for answer, corroborating the communications I directed to you yesterday respecting the seizures of negroes, that the Government does not neglect carrying into due effect the fulfilment of the Treaty for abolishing Slave Trade.

God preserve you many years,

(Signed) GERONIMO VALDES.

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

Seventh Enclosure in No. 146.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 20, 1842.

WE received yesterday your letter of the 18th, communicating to us the remarks of the First Assessor-General on our letter of the 9th. We assure your Excellency that we wrote that letter, not for the purpose of raising a controversy, but only because we thought it right to make your Excellency acquainted with the views we entertained on the subject, and to which we proposed to call the attention of Her Britannic Majesty's Government. With the same object we now beg further to observe, 1st, that we are not aware of any communication having been addressed to this Government, by ourselves or our predecessors, stating that we were exclusively charged with the duty of watching the fulfilment of the treaty of 1835, and therefore the Assessor-General's assertion to that effect must be founded on a mistake.

2nd. That with reference to the charge he made of the agents of Her Britannic Majesty being ill informed in their denunciations, which charge he now says referred explicitly to ourselves, the assertion comes very inopportunistically respecting the two denunciations then under consideration, one of a landing of Bozal negroes at Camarioca, and another at Matanzas, because, by your Excellency's communications of the 17th instant, we have full proof that these denunciations were substantially correct, there having been 25 Bozal negroes seized at the former place, and 80 at the latter, about the time that we alleged the landings to have taken place. These negroes must have come in some slave-vessels, of which we have not heard of the capture; and it is sufficient for us that such facts have occurred, without being liable to imputation for not stating minor circumstances with technical preciseness.

3rd. In using the word "charge," we beg to say we mean an allegation, and assure your Excellency without the slightest imputation of any non-fulfilment of duty on the part of your Excellency. On the contrary, we have the fullest confidence in your Excellency's desire to carry into effect the obligations of the Treaty, and have so stated our conviction to Her Majesty's Government.

4th. But with regard to the right construction of the obligations of the Treaty, whether it extend to efforts on land, or be confined only to efforts at sea, we consider that not a subject for argument,

but for reference to the superior Government, being meanwhile quite content to benefit by the measures which your Excellency is taking.

5th. We did not use the term "responsibility," as the Assessor-General seems to think, in an offensive manner, but only that we considered ourselves under the responsibility of communicating to your Excellency the fact of every breach of the Treaty, with every particular that came to our knowledge; after which our responsibility ceased. We do not take it upon ourselves to take depositions or evidence, but leave it to your Excellency's government to examine the full truth of the information we receive, and which we only repeat when we believe it trustworthy.

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

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

Eighth Enclosure in No. 146.

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

GENTLEMEN,

Havana, August 20, 1842.

THE first Assessor-General of this Government, on consideration of the proceedings taken by the Serjeant-Major of the Plaza of Matanzas, in consequence of the commission I conferred on him, on account of your communication of the 5th instant, relative to the arrival at that city of a vessel with more than 300 negroes, has advised me of the date of the 18th instant, as follows:—

"Most Excellent Sir,—Your Excellency having commissioned the Serjeant-Major of the Plaza of Matanzas, in order that on account of the communication of the date of the 5th instant, which the Commissioners of Her Britannic Majesty made relative to the disembarkation of 300 Bozal negroes in that port, to the search of an estate belonging to the Lieutenant-Governor of the same, also that he had permitted to sail for the traffic from that port a vessel named the 'Volador,' and that others were to be found at that time with the same object in that bay, he has accomplished it fully, betaking himself to the very estate which the Lieutenant-Governor of Matanzas possesses at half-past four in the morning, an hour in which the negroes were not as yet risen, making them form a line, asking one by one, to each of the 102 negroes composing the number, what he believed fit to satisfy himself whether they spoke, as they do in fact speak, the Spanish language; examining the neighbours about whether any Bozal negroes had been introduced on the estate, and finally requiring of the Pedaneo to show whether they had made report of any increase to the negroes of that or any other estate in his district a few days previously; and the result of all these investigations has been to make appear proved that the 102 negroes that serve for the labours of the estate of the Lieutenant-Governor, the 'Cafetal choza,' are 'Ladinos,' and that neither in that, nor in any other of the district, is there any idea or notice of any introduction being had of negroes. The said Serjeant-Major has also proceeded to elucidate the other particulars, and from his investigations it appears that neither in the office of the Government nor in the Commandancy of the Port of that place is there any evidence of the sailing of the vessel 'Volador,' and that all the shipping existing in the bay consists of two ships and two brigs, Anglo-American, which are discharging effects and taking in produce of the country; the English ship 'William Roberts,' in ballast; a Portuguese brig named 'Escorpion,' which is dismantled; and other two, Spanish, and one Norwegian, taking in produce for Cowes, Corunna, and Malaga, as also the Anglo-American schooner 'John Willis,' which is taking in molasses for New York. All this is convincing evidence of the correctness of what I have already shown in former consultations, and now repeat, that the easy faith and credulity of the English Commissioners is taken advantage of for unfounded information, or they are furnished them adulterated, inasmuch as that relating to the disembarkation of the 300 negroes must be referring to the seizure of the 80 made on the bank, in the bay of Matanzas, and, according to appearance, proceeding from the same vessel which began to land a cargo at Canarioca; and on account of the authorities, ever vigilant, having seized the two landings of 10 and 15 individuals, who were brought to land, they adopted the plan of steering for Matanzas, where they met no better fate. Consequently I conceive that nothing remains to be done on this particular but to file the proceedings, previously communicating the result to the English Commissioners, as was promised them, on answering the receipt of their communication."

And having assented to this opinion, I transmit it to you, Gentlemen, for your information, and as the final result of this matter.

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

God preserve you many years.
(Signed)

GERONIMO VALDES.

Ninth Enclosure in No. 146.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 22, 1842.

WE have received your Excellency's official communication of the 20th instant, informing us of the result of the investigations into the landing we had alleged to have taken place at Matanzas of 300 negroes, the which we will take the earliest opportunity of transmitting to Her Majesty's Government.

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

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

Tenth Enclosure in No. 146.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 26, 1842.

WITH reference to our letter of the 5th instant, and subsequent correspondence respecting the landing of 300 negroes and upwards at Matanzas, on or about the 30th of July last, we find it our duty now to state that we learn our information was incorrect, so far as reporting the participation of the Lieutenant-Governor, inasmuch as common report ascribes it to the Governor himself.

After what your Excellency has intimated in the course of the correspondence, we do not expect, and therefore will not ask, your Excellency to institute further search; but we think it right to state thus much in justice to the Lieutenant-Governor.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 147.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, August 29, 1842.**(Received October 6.)*

MY LORD,

WE have the honour to enclose your Lordship the copy of a communication we addressed to the Captain-General of this island on the 22nd instant, in obedience to your Lordship's despatch of the 9th of July last. In that communication, conformably to your Lordship's instructions, we stated that Her Majesty's Government had learned with great satisfaction the proofs reported in our despatches, of His Excellency's disposition to do justice to the emancipated negroes, by giving up to them the certificates of freedom to which they were entitled.

At the same time we stated we were desired to press His Excellency to investigate the cases brought forward by Mr. Turnbull, in which money was said to have been demanded from emancipated negroes as a condition of their receiving their certificates of freedom.

We added also, that Her Majesty's Government felt confident that the same sense of justice would induce His Excellency to examine carefully all cases in which there might be reason to suppose that extortion had been practised upon negroes of that class, by compelling them to pay in money for the freedom already due to them by Treaty; and that His Excellency would extend to those unfortunate negroes his protection against such cruel oppression.

We then recapitulated the cases of five negroes respecting whom Mr. Turnbull had written, alleging money to have been demanded of them for the grant of their liberty; though as the money had been actually paid but in one case, that one only seemed to afford tangible grounds for relief.

In our Despatch dated the 13th of June last, we reported at considerable length the cases of alleged extortion, and the Captain-General's indignant denial of this Government having ever made or sanctioned any demand whatever. The charges certainly seemed very improbable of such sums as "on the average of 85 dollars" being demanded; inasmuch as not one emancipado in a hundred could be expected to be able to raise one-tenth of such a sum, and the extortion therefore would be tantamount to a total denial of their liberty. But it was also extremely probable that these poor ignorant people, having a few dollars in their possession, might fall into the hands of unprincipled persons aware of the fact, and desirous of defrauding them. Such was the case of the negro Genaro above referred to, who had, as it is proved, paid 93½ dollars to one of those inferior practitioners of the law, known here as suit-hunters, (*pica-pleitos*), and respecting which we were aware at the time of a strict investigation having been instituted by the Captain-General. The result of that investigation we have now the satisfaction of reporting, as detailed in His Excellency's second communication of the 26th instant enclosed, from which your Lordship will see that the goods of the defrauder have been seized and sold by auction, whereby the sum of money of which the negro was defrauded, had been recovered and delivered up to him, together with his paper of freedom.

In our reply to this communication we stated that we would take the earliest

opportunity of reporting this further proof of His Excellency's administrative justice to Her Majesty's Government, and felt assured they would receive it with the utmost satisfaction.

In our Despatch of the 13th of June above referred to, we also had to notice another case of a negro named Tranquilino, of whom Mr. Turnbull wrote that his master had threatened to send him to work on the railroad, unless he paid him a sum of 68 dollars, in which case he would procure him his immediate liberty. In that instance we expressed our conviction that the attempted exaction was peculiarly the master's, who was aware of the man's being about to obtain his freedom, having received notice to produce him. In this conjecture it is proved we were correct, the man being included in our list for the last month (July), Tranquilino, of the slave-vessel "*Manuelita*," Despatch of the 4th of August instant.

At the first commencement of the system now adopted, of giving the emancipados their freedom, much ignorance existed of necessity as to the means whereby it was to be obtained; and the poor negroes were therefore more exposed to be defrauded by their unprincipled neighbours. But now that so many hundreds have received their liberty, the plans of the Government have become better known, and we therefore confidently hope that the same frauds in future cannot be practised. Should any, however, be repeated, we feel fully convinced that the present Captain-General will do his utmost to afford the unfortunate persons every protection and relief in his power.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 147.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 22, 1842.

We have received instructions from the Earl of Aberdeen, Her Britannic Majesty's Secretary of State for Foreign Affairs, desiring us to state to your Excellency, that Her Majesty's Government have learned with great satisfaction the proofs reported in our Despatches of your Excellency's disposition to do justice to the emancipated negroes, by giving up to them the certificates of freedom to which they were entitled.

We are at the same time desired to press your Excellency will investigate the cases brought forward by Mr. Turnbull, in which money is said to have been demanded from emancipated negroes, as a condition of their receiving their certificates of freedom.

Her Majesty's Government feel confident that your Excellency's sense of justice will induce your Excellency to examine carefully all cases in which there may be reason to suppose that extortion has been practised upon negroes of that class, by compelling them to pay in money for the freedom already due to them by Treaty; and that your Excellency will extend to those unfortunate negroes your protection against such cruel oppression.

The cases referred to, already brought to your Excellency's knowledge, are the following:—

1st. The case of Felipe, assigned originally to Don Mariano Ordanivez, a captain of dragoons, and since his death remaining with his widow, Doña Pasesita.

2nd. That of José Maria Nunez, assigned originally to Doña Concepcion Nunez, and since in the hands of her son-in-law Don Gabriel Seidal.

3rd. That of a woman named Matilda, in the service of Don Gregorio Perez, who keeps a bodega in the Barrio de San Lazaro.

4th. That of a woman named Olalla, of the slaver "*Midas*," in the service of Doña Teresa Serrano, living in the Calle de las Damas.

5th. That of the negro Genaro Alfaro, respecting whose case we are aware of a strict examination having been instituted by your Excellency.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

Second Enclosure in No. 147.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 26, 1842.

I HAVE received your official letter of the 23rd instant, and being made acquainted with its contents, I have to state to you on the first point, I have seen with satisfaction the demonstrations of

CLASS A.

the Government of Her Britannic Majesty on their hearing of the delivery of the papers of freedom which I am giving to the emancipated negroes according to the orders of my Government.

This operation, effected with the prudence required in a colony, will always accredit my obedience to the instructions of the Government of the mother country, and the inclination I have to every act of justice and humanity: it is therefore an argument very becoming, for dispelling the complaints presented by Mr. David Turnbull, of our having exacted of the five emancipados cited, a sum of money for their obtaining their paper of freedom.

This proposition of Mr. Turnbull's fails of all foundation. I am sure that on you, Gentlemen, yourselves, it will not make the least impression that it can refer to the equitable acts of this Government, and I doubt as little, that knowing the character of that gentleman, you will be persuaded that, against his own conviction, he made that denunciation with the sole object of making hostility more and more to this Government, with which, without motive, he proposed to alter the good harmony that, in his character of Consul, he was called upon to maintain.

Returning to the matter, I say to you, Gentlemen, as I have already done on another occasion, that if at any time it has happened—from the natural ignorance of the negroes—they have been inveigled by the persons called suit-hunters (*pica-pleitos*), who abound in all places, and under the offers of using their services, they have deceived them, and exacted any sum of money with the appearance of obtaining for them their paper of freedom, I have always taken care, when they have made complaint, to investigate, to follow up and punish whoever has done it; and it is within a few days I have just executed an act of justice with respect to the negro Genaro, which is a proof of that I administer in my government, and of which I give you, Gentlemen, a separate notice.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

Third Enclosure in No. 147.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 26, 1842.

On the 25th of May last I received a letter from Mr. Turnbull, Her Britannic Majesty's Consul stating that some one had exacted from the emancipated negro Genaro a sum of money for the purpose of obtaining his paper of freedom. Determined on clearing up this business, after much and difficult examinations, we have been able to take up the thread of the affair, and make evident that a mulatto and a suit-hunter (*pica-pleitos*), abusing the ignorance of the said Genaro, had robbed him of 93½ dollars, which the suit-hunter had appropriated to himself. This sum has been raised by public sale of the few things which could be seized of the individual referred to, and this day delivered again to the said Genaro, in his own hand, together with his paper of freedom, having further taken the proper measures for punishing the guilty.

The which I state to you, Gentlemen, for your information, and as one of the proofs of the justice administered in this Government.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

Fourth Enclosure in No. 147.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 29, 1842.

We have received your letter of the 26th instant, informing us of your Excellency's having been pleased to give up his paper of freedom to the emancipado Genaro, together with restoring to him a sum of 93½ dollars of which he had been defrauded, under the pretence of obtaining it; also of your Excellency's prompt and strict measures of justice in elucidating the matter, and in punishing the guilty.

We will take the earliest opportunity of reporting this further proof of your Excellency's administrative justice to Her Britannic Majesty's Government, and feel assured they will receive it with the utmost satisfaction.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 148.

Her Majesty's Commissioners to the Earl of Aberdeen.

MY LORD,

Havana, August 30, 1842.

(Received October 6.)

WE have the honour to enclose copies of a correspondence we have had with the Captain-General of this island, in behalf of an emancipated negro, named Dionisio.

Since the commencement of the system now adopted, of giving, according to a stated rule, their papers of freedom to the individuals of this hitherto unfortunate class, we have had many of them applying to us for assistance to procure them their freedom; but when their cases did not appear to present any peculiar claim for intervention, we did not think it right to interfere with the course adopted by the Government. In the case of the negro named Martin, however, who had been cruelly treated, we did take upon ourselves to solicit the Captain-General's protection, and obtained for the man the immediate grant of his liberty, as reported in our Despatch of the 18th of June last; and so also in the present instance, where the emancipado stated that he had been ever treated and dealt with as a slave, and that the persons in whose charge he was placed had attempted to sell him as their property. This statement was sufficiently corroborated by his producing a certified copy of his register of baptism, from which it appeared he had been entered there as a slave, and consequently that the parties had, even from the first, a fraudulent design upon his liberty.

Under these circumstances we had no hesitation in requesting the Captain-General's consideration of the case, and soliciting for him either his grant of liberty, or removal to the charge of a more trustworthy person.

The Captain-General, in his answer of the 1st instant, informed us that having investigated the case, he regretted he could not do justice in it as he desired, on account of the negro having fled away from the house of his mistress; a fact of which we were not aware, though we could not be surprised at it, when we considered the dread he entertained of being sent to the plantations as a slave. Some days after, however, he having again presented himself to us, we sent him to the Secretary of the Government, and we have now the satisfaction of enclosing your Lordship a communication from the Captain-General of the 26th instant, informing us of his having ordered to be given up to the man his certificate of freedom. The negro has also taken occasion to express his thanks for the relief afforded him.

In our reply of the 29th instant we acknowledged our sense of His Excellency's prompt attention to our requests on this as well as on all former occasions.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c. &c. &c.

First Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, July 23, 1842.

We beg leave to submit to your consideration the case of a negro, named Dionisio, who states himself to be one of the emancipados of the slave vessel "*Negrito*," formerly assigned to one Doña Josefa Presno de Aguilar, and now, since her death, in the charge of her daughter, Doña Juana Pimi-enta, residing at present at Guanabacoa, in the Calle de Cadena. This man states that the persons with whom he has been placed, have ever, and are now treating him as a slave of their property, and as such seeking to sell him. He states that this has been their uniform conduct, and in proof of it produces a copy of the register of baptism, which we enclose, and by which it appears that even from the period of the assignment they have had some such fraudulent design upon his liberty.

As we fear that such cases are by no means of rare occurrence, we hope your Excellency will think us warranted in requesting such an investigation into the circumstances as will ensure justice to the emancipado, either by the grant of his paper of freedom, or removal to the charge of some more trustworthy person.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

His Excellency the Captain-General,

&c. &c. &c.

(Translation.)

Enclosure in the above.

Havana, July 20, 1842.

I, the licenciado Don Manuel Donoso, knight of the Royal American Order of Isabel la Católica, parochial curate of the Sanctuary of the Holy Cathedral Church, resident in this of the Holy Spirit of the Havana, certify, that in the book 43, baptisms of coloured persons and negroes, at folio 146, No. 1330, is the following:—

"Tuesday, the 26th of May, 1835, I, Don Andres Cascales, parochial curate of the church of the Holy Spirit of this city of the Havana, baptized and put the holy oils on an adult of the nation Arara, slave of Doña Josefa Presno de Aguilar, inhabitant of this parish, and on the said adult I used the sacred ceremonies and prayers, and appointed for name Dionisio; his padrino was Isidro del Monte, to whom I explained the spiritual paternity he contracted; and I signed this.

"ANDRES CASCALES."

This conformably to the original.

(Signed)

MANUEL DONOSO.

Second Enclosure in No. 148.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 1, 1842.

As soon as I received your communication of the 23rd of July last, with reference to the negro Dionisio, who states himself to be an emancipado of the vessel "*Negrilo*," formerly consigned to Doña Josefa Presno y Aguilar, and since her death to her daughter, Doña Juana Pimienta, with other particulars to which you refer, as to their treating him as a slave of their property, according to the proof given by the copy of the register of baptism you enclose me, I have to state that this Government, after instituting the becoming inquiries, has not been able nor can now administer justice as it desires, the said Dionisio having been found fled from the house of the said Pimienta; but as soon as he presents himself he shall have it, according as it is accustomed to execute it.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

Third Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 2, 1842.

We have received your official note of yesterday's date, informing us that it is not possible to enter on the inquiry into the complaint of the emancipado Dionisio, on account of his having run away from the house of the person in whose charge he was placed.

We beg to thank your Excellency for your ready attention on this, and on all former occasions, to the calls we have made on your consideration, and to assure your Excellency that we were not aware of the man's having so absented himself, nor have we any knowledge whatever of him beyond what we repeated of his statements.

We have, &c.,

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

Fourth Enclosure in No. 148.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, August 27, 1842.

As I stated to you in my letter of the 1st instant, that I was not able to administer justice as I desired to the emancipado Dionisio, No. 463, of the slave vessel "*Negrilo*," on account of his having fled away, but now that he has presented himself, I have directed, with consideration of his case, that he be put in possession of his paper of freedom, the which he has received this day in his own hand; and I state this to you, Gentlemen, as the result of your application of the 23rd of the last month.

God preserve you many years.

(Signed)

GERONIMO VALDES.

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

Fifth Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 29, 1842.

We have received your letter of the 27th instant, informing us of your having been pleased to direct his paper of freedom to be given up to the emancipado Dionisio, on whose behalf we had solicited your Excellency's interference in our letter of the 23rd of last month.

We beg to return our thanks for your Excellency's prompt attention on this, and all other occasions, to our applications, and feel assured that the constant proofs we have to report of your Excellency's justice will afford great satisfaction to Her Britannic Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 149.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, September 2, 1842.

(Received October 4.)

MY LORD,

WE have the honour to enclose your Lordship another communication from the Captain-General of this island, being the eighth, of the emancipated negroes to whom have been delivered their certificates of freedom during the month of August last passed. From this list it appears that a further number of 58 emancipated negroes have been thus put in full possession of their liberty, of whom 46 were males and 12 females, with their 9 children in addition; making a total, with the former reports, of 797 individuals of both sexes, and 255 children.

In our acknowledgment we stated that we would take the earliest opportunity of transmitting this information to Her Majesty's Government.

We have, &c.

(Signed) J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c. &c. &c.

First Enclosure in No. 149.

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

GENTLEMEN,

Havana, September 1, 1842.

CONTINUING in my proposed course, I have the pleasure of sending you the enclosed account, which will show that in the month just passed there have been given 58 papers of freedom to as many emancipated negroes, and also the 9 children which the females have had.

God preserve you many years.

Her Majesty's Commissioners,

(Signed) GERONIMO VALDES.

&c. &c. &c.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been delivered their respective Certificates of Emancipation, by order of His Excellency the Captain-General, during the month which has ended.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Agustin	Relampago	103
Pedro	Joaquina	271
Cristina	Maria Micaela Rosario, 5 yrs. Maria Filomena Ascencion, 3 ys. José Francisco, 3 months.	Negrito	416
Tomas	Josefa	53
Gavino	Orestes	168
Olaya	Josefa	137
Jorge	Voladora	92
Felipa	Felipa, 2 years	Emilio	113
Salustino	Gerges	128
Justo	Campeador	59
Jacobo	Gerges	342
Irene	Santiago	82
Telesforo	Negrito	3
Antonio	Negrito	138
Agustin	Gerges	198
Gavino	Midas	37
Marina	Pedro, 3 years José, 7 months.	Negrito	409
Quintina	Relampago	73
Telesforo	Firme	4
Bernavé	Voladora	137
Manuel	Gallito	89
Jacinto	Firme	278
Simeon	Campeador	93
Urbano	Santiago	20
Filomeno	Carlota	44
Santiago	Carlota	57

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Felix	Santiago	14
Benigno	Manuelita	401
Victor	Fingal	17
Bonifacio	Indagadora	106
Casimiro	Planeta	49
Epifanio	Planeta	80
Santiago	Planeta	98
Basilisa	Firme	476
Fulgencio	Aguila	310
Panfilo	Planeta	121
Onofre	Firme	145
Domingo	Magico	85
Cleto	Emilio	93
Leon	Josefa	39
Canuto	Josefa	18
Salustino	Firme	141
Herculano	Firme	337
Eulogio	Intrepido	57
Victor	Aguila	148
Mateo	Orestes	108
Isidro	Fingal	40
Jose Maria	Gerges	176
Modesta	Isabel, 8 years Andres, 4 months.	Negrilo	389
Belen	Gerges	205
Ruperto	Aguila	77
Teofilo	Relampago	148
Barbara	Firme	403
Genaro	Orestes	106
Andres	Aguila	347
Petrouila	Modesto, 7 years	Midas	160
Dionisio	Negrilo	463
Ines	Firme	207

58 papers of freedom delivered during the present month of August, and 9 children that the females have had.

Females 12, and males 46; total, 58.

(Signed)

FRANCISCO GARNICA,

Secretary.

Havana, August 31, 1842.

Second Enclosure in No. 149.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 1, 1842.

WE have had the honour to receive your Excellency's communication of this date, enclosing us the list of 58 emancipated negroes, with their 9 children in addition, to whom your Excellency has directed to be given up their papers of freedom, during the month of August just passed; the which communication we will take the earliest opportunity of transmitting to Her Britannic Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

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

No. 150.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, September 8, 1842.

(Received October 14.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch, dated the 14th of July, 1842, transmitting us six copies of a Treaty, concluded at Sucre, on the 23rd of September, 1840, between Her Majesty and the Republic of Bolivia for the Abolition of the Traffic in Slaves.

Of these we have presented copies to the Captain-General of this island and the Marquess de Esteva, Judge of the Mixed Court on the part of Spain, as in

previous cases with Treaties of the same character, for the purpose of showing their Excellencies the anxiety of Her Majesty's Government to suppress the traffic,

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 151.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, September 14, 1842.

(Received October 14.)

MY LORD,

WE have the honour to report that during the last month we have not heard of any vessel having arrived here, or in the neighbourhood, from the coast of Africa; but it is said that a cargo of negroes has been landed on the south side of the island, and that two others are on the coasts. Respecting these rumours, however, we have not been able to obtain particular information; nor yet of the seizure of about 300 recently introduced Africans by the Governor of Santiago de Cuba, respecting which your Lordship may have heard more fully from Her Majesty's Consul at that place.

Nor yet have we heard of any vessel having sailed hence, during the month, which we can take upon ourselves to pronounce as intended for Slave Trade; though we regret to say, that several expeditions are reported as preparing. There is a great demand at present for goods suited for the African market, and several vessels are believed intended for that destination, which are to clear out in ballast for other ports, and take in the outfit at some of the uninhabited keys or places in the neighbourhood. Respecting one vessel, the "*Caballera*," which arrived here the 26th ultimo, consigned to Don Pedro Martinez, from Baltimore, we have addressed a communication to the Captain-General, which will have to form the subject of a subsequent report.

We regret also to have to state that rumours are very current here, and believed, giving strong impetus to the preparations above referred to, of instructions having been sent from Spain to the Captain-General to connive as before at the continuance of the traffic. On the other side, however, it is true that the slave-traders have been subscribing large sums of money, and using all their influence in Spain, for the removal of General Valdes from the Governorship of the island. Among other means they have procured addresses from the several corporations of the principal cities of the Peninsula, of which one from Santander has been inserted in the *Diario* of this city, by order of the Captain-General himself. Of that address we enclose your Lordship a copy, and also of two other insertions in the public papers, which would prove that no good feeling existed between the authorities and the slave-traders.

A short time, however, will suffice to show the character of their future policy, and it will be our duty to keep a watchful consideration of their proceedings.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 151.

Extract from the Diario de la Habana of the 10th of September, 1842.

(Translation.)

Official.

A PRINTED representation circulating mysteriously, said to be directed to the Most Serene the Regent of the Kingdom, by the Provincial Deputation of Santander, I have directed that there be printed in the public papers that part of its contents referring to me, in order to spare the persons interested in the business the trouble and inconvenience of this publication.

VALDES.

" In this state of uncertainty, fears, and anxiety, in which the island of Cuba finds itself, combated by every kind of powerful machinations encompassing its ruin, there is required for the command a consummate prudence and an energetic character. Unfortunately, according to the information received from that country, the military authority which governs it is very far from displaying these indispensable qualities. The Deputation does not wish to attack the reputation of General Valdes; but his probity and good intentions are no guarantee to us of his being more fortunate there than he has been in other places, where he has always exercised authority with disaster. If this corporation were to transmit here the accounts of the many travellers who arrive from that island, and the notes of the correspondence received, it would have to make a sad picture of the conduct, as a chief, of General Valdes. But it cannot admit such statements for forming accusations against him, and in no case is this the inclination of the deputation: it wishes to believe there are in them inaccuracy or exaggeration; but for all that it cannot pass them by, to the extent of not calling the attention of the supreme Government. The importance of the colony and its present situation require that they should not neglect the slightest rumours, that they may at once be the thread for discovering interesting truths.

" There is attributed to General Valdes a weakness, which, whether it be the effect of years, or of the counsels of persons who surround him and pass for not being well affected to the mother country, or from whatever other cause, one cannot hear without surprise. It is feared that the national honour and independence are not always sustained with the entireness and decision which is becoming, in yielding too much to foreign requirements. Your Highness knows better than any one to what point this offends that nation, so sensitive of its honour, at whose head you are placed. The Provincial Deputation of Santander, possessed of the same feelings, has not been able to choke them in their bosom; it has preferred expounding them to incur mistakes, much rather than to hide from the Government of your Highness the fears which, with foundation or without it, are agitating their minds. The system of striving to please and yieldings do not restrain the haughty nation which has proposed to itself to destroy our valuable island; on the contrary, their exigences increase proportionally as greater may be our weakness; and this means silent, slow, but sure, it would prefer to the noisy one of war, which has its inconveniences, which would cause great scandal, which might draw to us the sympathies and assistance of some nations, and which might compromise British commerce and interests, the which, as they are extended over all the globe and all the seas, are more easy to attack and difficult to defend. The Deputation of Santander prefers a system of vigour, even at the risk of war; since a greater evil than the loss of our ultramarine possessions cannot befall us, and that loss is inevitable, accompanied with ignominy, if immediately are not decidedly repulsed the Machiavellian pretensions of Great Britain.

" At the same time that the Deputation has a true sorrow in manifesting to your Highness that the public opinion is not satisfied with the conduct of General Valdes, without its for all that failing to acknowledge he is an honourable soldier, worthy of a better lot in the undertaking confided to him, it has a pleasure in praising the distinguishedly patriotic zeal of the Intendant, Don Antonio Larrua. This excellent officer has gained for himself the estimation of all good Spaniards for his skilful measures directed to the prosperity of that valuable island, with advantage to the mother country. The Provincial Deputation of Santander congratulates your Highness on the judicious selection of so well deserving a functionary, from whose praiseworthy conduct both Cuban and Peninsular interests have to promise themselves immense benefits. The Deputation prays your Highness will deign to adopt the most becoming means to preserve the island of Cuba from the perdition to which the agents of a foreign power are silently dragging it; commanding that its present Captain-General may be relieved for an officer of energetic character, and capable of making front to the unjust and impolitic exigences of whoever desire the ruin of those valuable possessions. So it hopes from the justice of your Highness, whose life may God preserve many years.

(Signed)

" FRANCISCO SAINZ.
JUAN RUIZ GUTIERREZ.
JESUS ANTONIO SANTA CRUZ.
ANTONIO MANUEL LINARES.
SEGUNDO JOSE PARDO.
TOMAS CAGIGAL.
FRANCISCO ANTONIO DIAZ DE LA MADRID.
MODESTO DIAZ LLAR.
P. A. DE LA D. P. JACOBO JUSUE, *Secretary.*

" Santander, June 29, 1842."

Second Enclosure in No. 151.

(Translation.)

Extract from the Diario of the 11th September, 1842.

Letter from His Excellency the Intendant to the Editors of the Diario.

GENTLEMEN,

Havana, September 10.

In the representation said to be addressed by the Provincial Deputation of Santander to His Serene Highness the Regent of the Kingdom, respecting matters relating to this island, and which you insert in the *Diario* of to-day, by command of its first authority, I see with regret that I am praised and exalted, at the same time that His Excellency Don Geronimo Valdes is blamed and depressed.

I repudiate, and even condemn with all my soul those praises, as much as I condemn to execration the slighting qualifications they make of the best of chiefs. Its authors had not before them other proofs than accounts of travellers, and notes of correspondence, which you have justly characterized in your editorial article of to-day, and already is known the merit due to one or the other.* Upon such frail foundations does a whole Deputation form an official complaint, addressed to the first magistrate of the nation; attack the reputation of a General whose renown belongs to both worlds, and compromises the dearest interests of the island of Cuba. And all this the Deputation does without mission for that

* In which the Editor pronounced them "the lying reports of travellers, and notes of interested correspondents."

purpose, and without right to meddle in ultramarine questions—subjects only, by their special nature, for the Supreme Government. To this I propose to address myself on so important an occasion in the manner I may consider becoming; but I should be wanting to myself, and should not act according to the inclinations of my heart, if meanwhile I did not anticipate a solemn declaration on those expressions with which the Junta proposed to flatter me, in order to cause a deeper wound on a reputation on all considerations invulnerable.

General Valdes is my first friend—he is my mentor—he is my guide. Admirer of his patriotism, disinterestedness, foresight, and exquisite tact, I seek his lucid views, I take profit of his experience, and my heart aspires to nothing more than to imitate him, and copy him, if it be possible. His praises I wish may be mine; the detractions of him necessarily affect my person, because they also belong to me. Servants of the same Government, and animated by the same desire of acting rightly in this interesting part of the monarchy, we watch anxiously to effect it; we do not relax ourselves until we attain it, and we never lose sight of the national dignity, the first object of all our thoughts and actions.

If the Deputation condemns this in General Valdes, it comprehends also in its anathema

(Signed) ANTONIO DE LARRUA

Third Enclosure in No. 151.

Extract from the Diario de la Habana of the 12th September, 1842.

(Official.)

Havana, September 11, 1842.

As in consequence of the representation printed by my order in the Diario of yesterday, addressed to the Most Serene the Regent of the Kingdom, by the Provincial Deputation of Santander, many individuals (some in the name of corporations) have presented themselves to me, soliciting permission to publish various articles in refutation of the said mentioned paper, and to make representations on the same respect, I think it right to forbid both proceedings; and I charge the Royal Censors of all the island that they do not permit to be printed, or inserted in the periodicals, anything which directly or indirectly may have relation to the matter; since whatever the effect may be, which the representation referred to may have been able to produce, it pertains to no one but the Supreme Government of Her Majesty to appreciate it as it may think proper; because it is that only to whom reaches the state of the question which is treated of in it; there being to be expected from the predilection with which it has always viewed the interests of this island, that will know to dictate the becoming provisions for its felicity, without other considerations than justice, and the well-being of this country and its inhabitants.

Let this be published in the Supplement of to-day, and in the papers of to-morrow.

(Signed) GERONIMO VALDES.

No. 152.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, September 22, 1842.

(Received November 5.)

MY LORD,

WE have had the honour to receive your Lordship's circular, dated the 5th of August last, transmitting us, for our information, six copies of a Treaty between Her Majesty and the Republic of Texas, for the Suppression of the African Slave Trade; for which we beg to return our due acknowledgments.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

No. 153.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, September 23, 1842.

(Received November 5.)

MY LORD,

WE have the honour to enclose a copy of a communication we have received from the Captain-General of this island, dated the 20th instant, informing us of the capture, under his orders, of 168 newly-introduced Africans, in the province of Cuba, and his Excellency's dispositions respecting them, whereby they are declared free, having their certificates of freedom issued to them, subject, those above thirteen years of age to a servitude of five years, and those under that age to a servitude of seven years, to corporations

CLASS A.

and individuals chosen by the Government, to be taught the means of obtaining for themselves a maintenance usefully to society. As these Africans do not understand the language of this country or its customs, this apprenticeship may be still further advisable, to keep them from being trepanned into actual slavery, if the consignees faithfully fulfil their duties. But with a remembrance of the fate of former emancipated negroes, more especially under British protection, as captured by British cruisers, we could wish that some check might be placed on the subordinate officers of the Government, as well as on the masters, by subjecting them to the control of the Mixed Court, if possible, in the same way as if they came within the provisions of the Treaty of 1835. In none of the cases, it is to be observed, have the vessels or any of the crews been seized, whence it is manifest that some connivance has been practised, besides the belief, according to rumour, that only a small portion of the cargoes landed have been accounted for. Thus in the present instance, it is said, that upwards of 300 negroes were brought in the adventure, seized as we stated to your Lordship, in our Despatch of the 14th instant, though only 168, or about the half, have been reported to the Captain-General. Our information, however, may be incorrect; and in our acknowledgment to his Excellency we felt empowered only to say, that we would take the earliest opportunity of transmitting the communication to Her Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

First Enclosure in No. 153.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, September 20, 1842.

A NUMBER of Bozal negroes having been seized in the province of Cuba, by the Captain of the Partido of Macombo, Don Eduardo Calderin, on the coast of Savana la Mar, on consideration of the proceedings instituted for the purpose, I have, with the advice of the First Assessor-General, declared free the 144 who have been sent to this city, and also the 23 who remain sick in Cuba, with regard to the last Treaty; and I have directed that their respective papers of emancipation be issued to them, consigning those older than 13 for five years, and for seven those under that age, to be entrusted, subject to the conditions under which they are distributed, to corporations and individuals, that they may educate them, and teach them means of employment, with which in future they may be able to seek for themselves their subsistence, and be useful to society.

The which I state to you, Gentlemen, for your information.

God preserve you many years.

Her Majesty's Commissioners,

&c. &c. &c.

(Signed)

GERONIMO VALDES.

Second Enclosure in No. 153.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 21, 1842.

WE have received your Excellency's official communication of yesterday's date, informing us of the seizure, by the Capitan of the Partido of Macombo, of 168 Bozal negroes, to whom your Excellency had directed to be delivered their papers of emancipation, directing them, however, to be assigned for certain terms, according to the regulations of the Government, to different corporations and individuals, for the purpose of being educated, and taught the means of obtaining a maintenance usefully to society.

We beg to return our due acknowledgments for this communication, which we will take the earliest opportunity of transmitting to Her Britannic Majesty's Government.

We have, &c.

(Signed)

His Excellency the Captain-General,

&c. &c. &c.

J. KENNEDY.

C. J. DALRYMPLE.

No. 154.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Havana, September 27, 1842.**(Received November 5.)*

MY LORD,

WE have the honour to enclose copies of a correspondence we have had with the Captain-General of this island respecting the American schooner "*Caballera*," which arrived here the 26th ultimo, from Baltimore, under the following circumstances. This vessel having come consigned to Don Pedro Martinez, whose slave dealings are probably upon the largest scale of any now engaged in them, and being manifestly built expressly for that traffic, there could be at once little doubt of its being intended for it. But when it was further reported that she had already one long brass gun on board, and was to sail armed with eight others, there was reasonable ground to fear that piratical intentions were entertained, or a desperate defence in case of its being met with by a British cruiser. These suppositions were strengthened by the fact we learned from a trustworthy source, that the American crew had been discharged very shortly after their arrival, and that the "*Caballera*" was to sail under Spanish colours, though by the existing laws of Spain no vessel built in foreign places can now be nationalized. The parties thus proceeding in their schemes, we found it our duty, by our letter of the 31st of August last, to report the matter to the Captain-General, and beg his interference to prevent the vessel sailing with any such objects. In his answer of the 13th instant, his Excellency, on the advice of the First Assessor-General of the Government, stated that the vessel had arrived here from the United States, with its papers in regular order as of that republic, and that it was brought for sale, which no doubt was true so far as it came on order to the consignee. His Excellency also stated, that though it had a long gun on board, it was specified in the bill of lading as cargo, and not in the register as armament, while its port-holes did not admit of long guns, but only of carronades of small calibre; and further, that there were at present no indications of its being intended for Slave Trade, or for its being so armed as denounced, and that consequently there were no grounds for its being prevented proceeding on any mercantile speculation for which it might be engaged.

In our reply of the 15th, believing that the owners would be influential enough to effect their purpose, we represented to his Excellency that the vessel could not, according to law, now be nationalized as Spanish; and that if it were hereafter captured on the coast of Africa, whether armed with long guns or carronades, the parties could not complain if they were treated as pirates, nor this Government of any reclamations in consequence of such a vessel having been allowed to sail hence.

These remarks we thought it right to make, remembering that in the year 1838 a vessel was actually taken on the coast of Africa, armed with 21 long guns, which had sailed hence, but with which no conflict took place, in consequence of the captain and a portion of the crew having been on shore when the boats of the British capturing cruiser reached it (See Slave Trade Papers for 1839, Class A, Further Series, pp. 58 and 59); also the case of the "*Trueno*," which arrived here on the 1st of June last, and reported having sunk a boat, and so murdered the crew in it, of a British cruiser which had gone alongside to examine it, as detailed in our Despatches, dated the 11th and 27th of June last; also the case of a vessel under Spanish colours, which fired on and beat off a boat belonging to Her Majesty's sloop "*Rover*," near Guanimar, on this coast, on the 17th of March, 1840, when seven persons, the Lieutenant commanding included, were wounded (See Slave Trade Papers for 1840, Class A, p. 280.)

In reply to that letter we received another from the Captain-General, dated the 24th instant, repeating the Assessor-General's opinions to the same effect as before, but censuring our letter, as written in a style which he pronounced one of advice and threatening, disparaging to the dignity of the Spanish nation, and leading to consequences threatening ourselves. Passing by these remarks, we contented ourselves, in our final letter of the 26th, to observe that in the cases of the "*Trueno*" and the vessel which had fired on the boat of the

"Rover," none of the crews had been seized by this Government, though immediate complaints had been made, whereas, if they had been cases of simple robbery, the offenders under this rigid police would scarcely have escaped. We therefore expressed our conviction that his Excellency would not allow of such outrages in future to go unpunished; and that as far as he could effect it the honour of Spain would be fully maintained in the strict observance of the Treaty obligations. We added also that we should regret to leave his Excellency under the impression that we were in any degree failing in that respect which was due to him, and which we sincerely entertained.

The schooner "*Caballera*" remains yet at her moorings, without any indication of immediate fitting out; and we trust that we shall yet have succeeded in defeating the machinations of the parties, and that your Lordship will be of opinion that in this endeavour we have not overstepped the strict line of our duty in the remonstrances we made.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

First Enclosure in No. 154.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 31, 1842.

We regret we have to inform your Excellency that the American schooner "*Caballera*," which entered here the 26th instant from Baltimore, consigned to Don Pedro Martinez, is reported to be intended to be engaged in Slave Trade, and also to be sent out hence armed with long guns, having one now actually on board.

As this fact shows a piratical character, as well as a desperate intention to follow the illicit traffic, we trust your Excellency will not allow such a vessel to sail hence, contrary to the laws of nations as well as existing treaties.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 154.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, September 13, 1842.

ON the proceedings instituted in consequence of your official communication of the 31st of last month, reporting that the American schooner "*Caballera*" was intended to be employed in Slave Trade, and to sail hence armed with long guns, having one actually on board, with your further observations relative to her not being allowed to sail, the First Assessor-General of this Government has advised me of the 10th instant as follows:—

"Most Excellent Sir,—The British Commissioners should be answered that the schooner '*Caballera*,' according to the report required of the Captain of the Port, came to these seas directly from Baltimore, with a register of the United States and the custom-house clearance in legal and customary order, its crew consisting only of seven individuals, including the captain, whose filiations are regularly detailed in the muster-roll, and bringing, moreover, its proprietor in class of supercargo; that in fact it brought a cannon, but not expressed as armament in the register of navigation, but as cargo in the custom-house register; that its port-holes do not allow of long guns, but carronades of very small calibre; and that as yet there is no notice or appearance of its being meant to be armed, while before that the object of the voyage has been, according as it was published in the port, and declared by the Captain of the said vessel, to put her up for sale, which appears proved by her not having opened yet her register for any port; with the captain and owner not having objected to change the anchorage, and having both assured the Captain of the Port that if they do not succeed in making the alienation they will take freight that may be offered them, for any port; all which circumstances united make it credible that the object was the one indicated of proceeding to a sale, and not that of being destined for the trade in slaves, as the Commissioners state they have heard. That for this cause, and because the United States' flag, as of a nation friendly to Spain, has indisputable right to sail from this port, for mercantile speculations it may have contracted, to any part of the globe, without more than subjecting itself to the literal text of the revenue laws of the country, your Excellency cannot find proper grounds for directing any measure which may impede or delay the sailing of the schooner '*Caballera*,' which should never be determined to be adopted, except in virtue of a just and express claim of detention, and under the exclusive responsibility of England, in just observance of the very laws of nations which they invoke in their communication of the 31st of August last. Your Excellency will however determine as always most just."

And I, Gentlemen, having agreed with this said opinion, transmit it to you in answer to your referred to communication.

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

God preserve you many years.
(Signed) GERONIMO VALDES.

Third Enclosure in No. 154.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 15, 1842.

WE have received your Excellency's letter of the 13th instant, informing us of the opinion of the First Assessor-General, that under the circumstances detailed in the report of the Captain of the Port, your Excellency has no ground to detain the sailing of the American schooner "*Caballera*," inasmuch as she was brought here for sale, and gives no indication of being intended for Slave Trade.

We will duly report this communication to Her Majesty's Government, only reminding your Excellency that by the existing laws this vessel cannot now be nationalized as Spanish; and if it should be captured on the coast of Africa, whether armed with long guns or carronades, the parties cannot complain if they shall be treated as pirates, or your Excellency's Government of any reclamations in consequence of such a vessel having been allowed to sail hence.

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

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

Fourth Enclosure in No. 154.

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

GENTLEMEN,

Havana, September 24, 1842.

THE First Assessor-General of the Government, to whom I passed your note of the 15th instant, stating that you would take proper opportunity to transmit to the Government of Her Britannic Majesty the communication I addressed you of the 13th, relative to the want of grounds to detain the sailing of the American schooner "*Caballera*," has advised me of the date of the 18th instant as follows:—

"Most Excellent Sir,—The Commissioners should be answered, that it being their right to transmit to the Government of Her Britannic Majesty your Excellency's communication of the 13th instant, you cannot accept their intimation upon this particular as a mere piece of information unnecessary for both parties; that with respect to the nationalization of the vessel, if it should be attempted, the functionaries of the Spanish Government in this island, to whom it falls to grant it, will know how to regulate themselves to the orders existing on the subject, without the necessity of their attention being called to that respect; that in the case of the schooner "*Caballera*" proceeding to the coast of Africa under the flag she now bears, or any other she may take, and being there captured, England will use the right she possesses, and the nation to whom it may belong will also sustain it, if it think it fitting, without either one or the other losing sight of what all hold of the common right of nations; that your Excellency, as long as the actual circumstances of the said schooner "*Caballera*" do not change, neither shuns nor fears the complaint announced respecting the permission for its sailing; and finally, that your Excellency, continuing in your desire not to alter in the least the relations of good harmony which until now have reigned between the Commissioners of Her Britannic Majesty and the Government of this island, would desire that in their future communications they would avoid that style of advice and threatening of which they have made use in that which is now to be answered, as not worthy of the decorum with which the nation in whose name they have addressed themselves is accustomed to proceed; because it diminishes to a certain degree the Spanish dignity, and because it might come to produce a demonstration like that which the Government of Her Britannic Majesty has already made to another of its functionaries for a like motive. Your Excellency, however, will decide as best," &c.

And I, Gentlemen, having concurred with the said opinion, insert it to you in reply.

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

God preserve you many years.
(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 154.

Her Majesty's Commissioners to the Captain General.

MOST EXCELLENT SIR,

Havana, September 26, 1842.

WE have received your Excellency's letter of the 24th, containing the remarks of the First Assessor-General on our letter of the 15th instant, respecting the schooner "*Caballera*." That letter we wrote under the belief that the "*Caballera*" would be allowed to sail hence, under the Spanish flag, for the coast of Africa, armed in a manner enabling it to repeat the conduct there practised lately by the Spanish brig "*Trueno*," and formerly, namely on the 17th of March, 1840, off Guanamar, on this coast, by a vessel under Spanish colours, when seven British sailors, the officer included, were wounded.

social consideration in the place, among whom were the Consuls of the United States and of Ham-
burgh, and the Vice-Consuls of France, Russia, and Denmark, they have all agreed that they had no
notice of there having been effected on the coast of Matanzas, or its neighbourhood, other disembarka-
tion of Bozal negroes than that began in the vicinity of Camarioca, and come to be concluded in the
said city, respecting which the Governor, so far from having the least interest, it was the public
opinion that, from his decided and prompt measures, they had succeeded in possessing themselves of
those that were landed. This proves the exactness of the intimation I made in my opinion of the 6th
of August, that without any doubt the individual or individuals who had informed the British Commis-
sioners to make the communication that occasioned it, had confounded the acts; and how hazardous it
is to give credit to vague assertions and public rumours, especially when they have to serve as grounds
for official communications. For the same cause, and for that by the investigations had, it is com-
pletely disproved that there was had any such disembarkation of 300 negroes, and that the Lieutenant-
Governor and Governor of Matanzas neither could have nor had consequently any participation in it,
I am of opinion that this proceeding should be held concluded immediately that the British Commis-
sioners be informed of what has ultimately been effected. Your Excellency, however, will determine,
as always the most right, and will please to order that the evidence taken may be extended, to give
account to the Supreme Government of the investigations lastly effected, and this opinion and the
judgment that may be given upon it."

And I, Gentlemen, having agreed with the said opinion, transmit it to you for your information and
in reply.

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

God preserve you many years.
(Signed) GERÓNIMO VALDES.

Second Enclosure in No. 155.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 29, 1842.

WE have received your official communication of yesterday's date, informing us of the investi-
gation made by the alcalde of the first election of Matanzas, under your Excellency's orders, into the
truth of the rumours we had reported in our letter of the 26th of August last, respecting the landing of
300 Bozal negroes at Matanzas; the which investigation negatives the fact of any such landing having
been effected, and consequently also the rumours we had reported. We feel assured your Excellency
will admit the advisability of such reports being satisfactorily refuted, and beg to say that we certainly
should not have repeated them unless we had found them very prevalent.

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

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

No. 156.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, October 3, 1842.

MY LORD,

(Received November 19.)

WE have the honour to enclose to your Lordship a further communica-
tion from the Captain-General of this island, transmitting the list, being the
ninth, namely that for the month of September last passed, of negroes emanci-
pated by the Mixed Court of Justice, under the Treaty of 1817, to whom have
been delivered their certificates of freedom since the month preceding. From
this list it appears, that a further number of 39 individuals of the class referred
to, of whom 21 are males and 18 females, with 14 children in addition, have
thus been put in full possession of their liberty; making a total, with those
reported in former Despatches, of 836 individuals of both sexes, and 269
children.

In reply we returned his Excellency our due acknowledgments for this com-
munication.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 156.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, September 30, 1842.

CONTINUING to transmit to you notice of the emancipados who have obtained their certificate of liberty, I have the pleasure to enclose to you the list of those who have received it in the present month, and also of the children the females have borne.

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

God preserve you many years.
(Signed) GERONIMO VALDES.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been delivered their respective Certificates of Emancipation, by order of His Excellency the Captain-General, from the 1st until the end of the present month.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Pablo . . . . .	. . . . .	Manuelita	24
Limbano . . . . .	. . . . .	Aguila	396
Nicolas . . . . .	. . . . .	Manuelita	379
Serafina . . . . .	. . . . .	Emilio	185
Juan de Mata . . . . .	. . . . .	Voladora	29
Matias . . . . .	. . . . .	Indagadora	38
Ines	Jacinta, 15 days	Santiago	39
Francisca . . . . .	. . . . .	Josefa	144
Susana	Felix, 9 months	Emilio	112
Isabel . . . . .	. . . . .	Santiago	72
Transfiguracion	Martina, 7 years	Negrilo	424
Isabel	Isidro, 4 years	Negrilo	404
	Clemente, 1 year.		
Sebastian . . . . .	. . . . .	Firme	20
Andrea . . . . .	. . . . .	Joaquina	181
Marcelino . . . . .	. . . . .	Rosa	140
Bernardino . . . . .	. . . . .	Aguila	124
Crispiniano . . . . .	. . . . .	Aguila	133
Perfecto . . . . .	. . . . .	Aguila	97
Claudio . . . . .	. . . . .	Aguila	437
Atilano . . . . .	. . . . .	Aguila	232
Leandro . . . . .	. . . . .	Indagadora	54
Gregorio . . . . .	. . . . .	Indagadora	101
Antonino . . . . .	. . . . .	Indagadora	102
Juliano . . . . .	. . . . .	Tita	135
Agustin . . . . .	. . . . .	Julita	139
Merced	Merced, 6 years	Indagadora	123
	Pilar, 1½ year.		
Sotero . . . . .	. . . . .	Planeta	89
Casto . . . . .	. . . . .	Voladora	163
Paula . . . . .	. . . . .	Aguila	463
Circumcision	Sisto, 5 years	Indagadora	127
	Ines, 2 years.		
Regina	Encarnacion, 5½ years	Gerges	268
Antonina . . . . .	. . . . .	Midas	145
Irene	Maria de la Luz, 4½ years	Voladora	291
	Salomé, 2½ years.		
	Eduardo, 3 months.		
Matilde . . . . .	. . . . .	Aguila	473
Serafina . . . . .	. . . . .	Aguila	274
Cipriano	Monserate, 6½ years	Voladora	235
Pio . . . . .	. . . . .	Rosa	113
Guillermo . . . . .	. . . . .	Midas	183
Isabel . . . . .	. . . . .	Aguila	499

39 papers of freedom delivered during the present month, and 14 children the females have had. Of whom are—males, 21; females, 18. Total, 39.

Havana, September 30, 1842.

(Signed)

FRANCISCO GARNICA,
Secretary.

Second Enclosure in No. 156.

Her Majesty's Commissioners to the Captain General.

MOST EXCELLENT SIR,

Havana, October 1, 1842.

WE have had the honour to receive your Excellency's communication of yesterday's date, transmitting us the list of emancipated negroes who have received their certificate of freedom during

the last month, being 39 individuals of both sexes and 14 children the females have had; for the which information we beg to return our due acknowledgment.

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

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

No. 157.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, October 11, 1842.

(Received November 19.)

MY LORD,

WE have had the honour to receive the undermentioned Despatches from your Lordship, viz. one dated the 15th of August last, transmitting us six copies of a Treaty between Her Majesty and the Queen of Portugal, for the suppression of the traffic in slaves, signed at Lisbon the 3rd of July last; one dated the 16th of August, enclosing us three copies of an Act of Parliament 5 and 6 Vict. c. 114, repealing so much of the Act 2 and 3 Vict. c. 73, as relates to Portuguese vessels; one dated the 17th of August, transmitting us three copies of a series of papers relating to Slave Trade, which had been presented to the two Houses of Parliament during the last Session by Her Majesty's command; and one dated the 31st of August, transmitting us six copies of a Treaty between Her Majesty and the Mexican Republic, for the abolition of the traffic in slaves, signed at Mexico the 24th of February, 1841.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 158.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, October 14, 1842.

(Received November 19.)

MY LORD,

WE have the honour to report that we have not heard of any vessel having been despatched hence during the last month for the coast of Africa, except the American schooner "*Cyrus*," for San Pablo de Loanda, on the 20th of September.

We have also the satisfaction to state that we have not heard of any vessel having arrived during the last month from the coast of Africa to this part of the island; but there is a report of one having landed a cargo of about 400 negroes near Santiago de Cuba, of which we presume your Lordship will receive a more accurate account from Her Majesty's Consul at that place.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 159.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 3, 1842.

(Received Decemb r 5.)

MY LORD,

WE have the honour to enclose a further communication from his Excellency the Captain-General, giving a statement of 47 emancipated negroes, of

CLASS A.

whom 35 are males and 12 females, with their 14 children in addition, to whom have been given up their certificates of freedom during the month of October last past; making a total, with those reported in former Despatches, of 883 individuals of both sexes, and 283 children.

In our acknowledgment we stated that we would take the earliest opportunity of transmitting this communication to Her Majesty's Government.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 159.

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

GENTLEMEN,

Havana, November 1, 1842.

I HAVE the honour to transmit to you the list of emancipated negroes who have obtained their certificates of freedom in the month just passed, amounting in number to 47, with 14 children.

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

God preserve you many years.
(Signed) GERONIMO VALDES.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been delivered their respective Certificates of Emancipation, by order of His Excellency the Captain-General, from the 1st until the end of the present month.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Merced	José de la Asuncion, 6 years	Campeador	43
Prospero . . . . .	. . . . .	Firme	160
Crescencio . . . . .	. . . . .	Rosa	97
Felipe . . . . .	. . . . .	Emilio	99
Maria Asuncion	Tranquilino, 3 years	Emilio	109
.	Agueda, 1 year.		
Irene	Eduardo, 4 years	Midas	137
.	José Doroteo, 1½ year.		
Escolastica . . . . .	. . . . .	Santiago	57
Venancio . . . . .	. . . . .	Firme	79
Venancia	José Rufino, 4 years	Firme	250
Margarita	Valentin, 7 years	Indagadora	133
Isabel . . . . .	. . . . .	Relampago	56
Anastasio . . . . .	. . . . .	Emilio	96
Faniá	Maria de Jesus, 5 years	Relampago	128
.	José, 3 years.		
Eligio . . . . .	. . . . .	Aguila	277
Candido . . . . .	. . . . .	Aguila	230
Juliana	Fermina, 1 year	Aguila	469
Pedro . . . . .	. . . . .	Indagadora	95
Pedro . . . . .	. . . . .	Orestes	70
Domingo . . . . .	. . . . .	Aguila	117
Polonia . . . . .	. . . . .	Gerges	210
Domingo . . . . .	. . . . .	Relampago	104
Bias . . . . .	. . . . .	Negrito	29
Elena	Marina, 14 years	Relampago	59
.	Julian, 11 years.		
.	Clemencia, 8 years.		
.	Juan de la Cruz, 1 year.		
Julian . . . . .	. . . . .	Midas	6
Sebastian . . . . .	. . . . .	Indagadora	19
Mamerto . . . . .	. . . . .	Indagadora	103
Pedro Celestino . . . . .	. . . . .	Voladora	117
Pedro Alcantara . . . . .	. . . . .	Firme	320
Faustino . . . . .	. . . . .	Firme	36
Euserio . . . . .	. . . . .	Fita	61
Benito Palermo . . . . .	. . . . .	Fita	90
Ricardo . . . . .	. . . . .	Fita	35
Gregorio . . . . .	. . . . .	Fita	67
Santiago . . . . .	. . . . .	Fita	115
Prudencio . . . . .	. . . . .	Fita	55
Anastasio . . . . .	. . . . .	Fita	111
Eustasio . . . . .	. . . . .	Fita	84

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Tiburcio	Fita	98
Cipriano	Fita	371
Pastor	Fita	85
Dionisio	Fita	95
Simeon	Fita	79
Epifanio	Fita	94
Raimundo	Fita	23
Juan de Dios	Voladora	49
Florencio	Voladora	271
Candelaria	Emilio	126

47 emancipados who have received their papers of freedom during the present month, and 14 children that the females have had.

Of whom are, males 35, and females 12; total, 47.

(Signed)

FRANCISCO GARNICA,
Secretary.

Havana, October 31, 1842.

Second Enclosure in No. 159.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 2, 1842.

WE have had the honour to receive your Excellency's official communication of yesterday's date, enclosing the list of 47 emancipated negroes, and their 14 children, to whom have been given their certificates of freedom during the month last past, the which we will take the earliest opportunity of transmitting to Her Britannic Majesty's Government.

(Signed)

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

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

No. 160.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 17, 1842.

(Received December 22.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 6th of October last, enclosing us the reply of the Spanish Minister to a representation made by Her Majesty's Envoy at Madrid on the subject of the crimes said to have been perpetrated by the master and crew of the slave-vessel "*Jesus Maria*" against the negroes on board of her, in which reply the Spanish Government, it is stated, had directed the authorities of Cuba to proceed against the guilty parties.

Your Lordship instructs us, with reference to this communication, to watch over any proceedings which may be taken in the case, and to use the best endeavours in any way that may be in our power to aid the ends of justice, and to secure the punishment of the offenders, with a further direction to report the result of the measures taken for the information of Her Majesty's Government.

These instructions, we beg to say, we will accordingly use our best endeavours duly to obey.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 161.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 18, 1842.

MY LORD,

(Received December 22.)

IN our Despatch dated the 16th of July last, we had the honour to report the circumstances of the seizure of the slave-vessel "*Trueno*," by the Captain-General's orders, in this port, consequent upon our denunciation, and the measures then in execution respecting it. That vessel, your Lordship will see by the Despatch referred to, entered here the 1st of June, and our denunciation was made the 2nd; so that the parties had no time to remove the equipments which proved incontestably the traffic they had engaged in, or make any other arrangements than for their escape. The vessel was accordingly abandoned, as it was said, and so seized by the local authorities.

Not having heard since of the result of the measures taken, we thought it our duty on the 28th of October to address ourselves to the Captain-General, requesting him to acquaint us with it for the information of Her Majesty's Government; and we have now the satisfaction to enclose your Lordship his reply of the 17th instant, from which it will be seen that the effects found on board have been sold, and the vessel placed in deposit with the department of Marine, until the determination of the Supreme Government be received. No person had appeared within the thirty-one days given after public announcement to claim the property, nor have any of the crew been apprehended, though it is said that criminal proceedings are continued against them.

In our reply of the 18th we returned His Excellency our due acknowledgments for this communication.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 161.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 28, 1842.

REFERRING to your Excellency's communication of the 13th of July last, favouring us with a detail of the investigations entered into respecting the slave-vessel "*Trueno*," alias "*Trovao*," we now respectfully beg of your Excellency to favour us with the final result and decision, if come to, in that case, for the information of Her Britannic Majesty's Government.

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

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

Second Enclosure in No. 161.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, November 17, 1842.

IN the proceedings instituted by this Superior Government respecting the detention of the Portuguese brigantine "*Trueno*" or "*Trovao*," accused of having been employed in the prohibited traffic in Bozal negroes, the First Assessor-General of the Government has advised me that which with my decree of confirmation is as follows:—

"Havana, September 5, 1842.
"Most Excellent Sir,—In vain have been summoned, by the Diario of this capital, the master or owner of the brigantine '*Trueno*,' for that they should appear to prove that in the two months previous to the detention it had been destined for some legal employment. No one has presented himself claiming the property in the thirty-one days which have passed since was made the last announcement; and this is a further proof, joined to those which I indicated in my former report, that leaves not the least doubt of the said vessel having been destined for the trade in slaves. Be it however under this consideration, or that it be contemplated as a vessel abandoned in our waters, or whether it be believed a pirate, inasmuch as it was found with two flags, in all cases follows, in my opinion, its confiscation and application to the State. But as considered under the first aspect, the declaration will have to be made by your Excellency in the character of Superior Chief of the island; taken in the second, also by

your Excellency, but in the character of Judge Ordinary, and according to the regulations marked out in the law of the 9th of May, 1835; and if it be taken in the third, then by the Commandant-General of Marine of this station. And as on the other side, in case of the declaration being made under the view of its being a vessel engaged in Slave Trade, it does not appear that there should be applied to it the disposition contained in Art. XII. of the Treaty of 1835, as it was not captured by the cruisers, nor condemned by the Mixed Court, to which that resolution exclusively belongs; nor does there exist any other communication to this Government which may serve to decide this and other similar cases which may occur, I am of opinion that all further proceeding respecting this matter be suspended for the present; that the proper order be issued to the Commissary of the Government House that he should have valued by skilful persons the 357 arrobas of rice, the 45 and 13 lbs. of beans, the 700 wooden spoons, the box of pipes for smoking, and the medicine-chest found on board, and in the inventory of the said vessel, and transferring the whole to the public mart for sale, should deposit in the Royal chests the clear proceeds that may arise after satisfying the claims of the seller and costs of the valuation and carriage. That it should be notified to his Excellency the Commandant-General of this station, in order that he be pleased to give the corresponding orders that the said brigantine and its rigging and tackle be removed from the place in which they now are, to where may be thought most fit for preserving them as well as possible, in quality of deposit, until shall arrive the determination of the Supreme Government; and finally, that to obtain this, there should be given an account by the first Correo, transmitting for the purpose the proper evidence. Also, I conceive, that as due should be continued, without prejudice to this determination, the criminal proceedings in investigation of who were the individuals that with the vessel engaged themselves in the trade in slaves, and if it be certain that they fired on the English boats that gave them chase, and caused some deaths among those who formed the crew, it follows that extending the taking the evidence placed already with the notes comprising the folios 200 and 9 over, and 210, if so that it do not embrace more than the opinion of the 7th July, and its consequent decree, and taking away thence the folios 211 to 233 inclusive, excepting the note of 220, which ought to remain, there should be formed immediately with all this, and the evidence of this report and decree that may be made, the criminal process referred to, which will remain in the law-office of the Government, and pass for the advice for proceeding in it as may be required; and this original proceeding should be preserved in the office of the Political Secretary, in which should be placed the literal evidence of the information of folios 230 and over, opinion of the 1st instant, and certificate of folios 230 and 1 over. Your Excellency, however, will determine on all as you esteem most just.

“JOSE MARIA PINAZO.”

“I agree with the opinion preceding, and let it be fulfilled.

VALDES.”

The which I transmit to you, Gentlemen, in answer to your communication of the 28th of October last, adding to it that there have been effected the sale of the effects, the delivery of the vessel in quality of deposit to the Commandant-General of Marine of the station, and account given to the Supreme Government of Her Majesty, under date of the 30th of October, 1842, reserving to verify now what further shall be done in the matter, in order that His Highness the Regent of the Kingdom may please to determine what he considers right, being further in course the process which has to be continued for the prosecution of the crew of the said vessel.

God preserve you many years.

(Signed) GERONIMO VALDES.

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

Third Enclosure in No. 161.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 18, 1842.

WE have had the honour to receive your letter of yesterday's date, informing us of the measures taken respecting the slave-vessel “*Trovao*” or “*Trueno*,” in reply to the request made in ours of the 28th of October last, for the information of Her Majesty's Government; and for this we beg accordingly to return our due acknowledgments.

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

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

No. 162.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 19, 1842.

(Received December 22.)

MY LORD,

WE have the honour to report that we have no account of any vessel having sailed hence during the last month suspected of being intended for Slave Trade, unless may be one despatched 11th October for Monte Video, the Spanish queche “*Marcial*.”

Nor have we heard of any vessel having arrived during the month, in this port or neighbourhood, from the coast of Africa: though we learn that the Juez Pedaneo of Caimito, which is about eight leagues distant from this place, seized upwards of 200 Africans there, the latter part of the month, on suspicion

of their having been recently introduced; but that they were restored on evidence being produced of their having been some time in the island. This circumstance at any rate proves that the subordinate authorities are watchful in the execution of the orders given them, and that must form a great discouragement to the Slave Trade, in the insecurity which must be consequently occasioned. We fear, however, that so long as such enormous profits may be hoped for, parties will be found to encounter the risks. Thus we learn that the slave-vessel "*Jacinto*," which has been so often mentioned in our reports, is again fitting out for the coast, though no doubt so as to give no grounds for immediate detention.

The American schooner "*Caballera*," respecting which we reported our correspondence with the Captain-General in our Despatch of the 27th September last, is still at her moorings, and we are informed the negotiation for the sale with the Slave Traders is entirely broken off, so that she is to be employed in future in the fruit trade between this place and New Orleans. We will not, however, fail to keep paying due attention to the proceedings of the parties.

As a proof of the good disposition of his Excellency the Captain-General, we have also the satisfaction to state that he has just issued a new code of police regulations for the government of the island, among which he has introduced some new enactments for the proper treatment of slaves, the particulars of which we will take another opportunity to detail. Meanwhile we know that much excitement has been occasioned among the owners of estates, and great attempts have been made by them to induce his Excellency to recall his proclamation. Some modification has been made in consequence in the orders given to the Jueces Pedaneos, but we are happy to say that in the main respects his Excellency is reported to remain inflexible.

The Spanish frigate "*Isabel II.*," of 44 guns, sailed hence yesterday, and the steam ship of war "*Congreso*," and two others, have preceded for St. Domingo, off where it is said three merchant vessels have been carried away by a Haytien brig of war. Various reports are in circulation respecting the matter, and one surmise was that it was a slave-vessel that had been seized; but this is generally discredited.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 163.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 28, 1842.

MY LORD,

(Received Dec. 31.)

WE had the honour, in our preceding Despatch of the 19th instant, to inform your Lordship that the Captain-General of this island had recently issued a new code of police regulations for the government of this island, among which he had introduced some new enactments for the proper treatment of slaves.

We have now the honour to enclose your Lordship a copy of those enactments, which have occasioned great excitement among the slave-owners, as interfering with their rights of property; and in consequence of their representations the Captain-General has further issued a circular, dated the 14th instant, of which we also add a copy, and which we fear bears a construction to nullify much of the benefit that might have been otherwise expected from the regulations.

The code comprises a great variety of subjects relating to the domestic affairs of the island, many of which had been previously in force, but those relating to slaves are, we believe, now for the first time promulgated here. The former code, or bando, was published so far back as the year 1819, under the then Governor, General Cagigal, and republished, with a few additions, under General Vives, in the year 1828; since which it has alone been in force, not

containing any of the enactments respecting slaves now adopted. The domestic treatment of slaves has consequently been left entirely to the masters or managers of estates, subject to the general laws of the country, respecting which, and especially on the point of coartacion, we beg to refer to the Despatch from the Commissioner at this place, dated the 9th October, 1824, and included in the Slave Trade Papers, published by order of the two Houses of Parliament for 1824-5, Class A, p. 120.

We hope that these new regulations may not prove a dead-letter, and may be still further carried out hereafter in their beneficial tendencies.

We have, &c.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

Enclosure in No. 163.

(Translation.)

Regulations respecting Slaves.

1. It shall be the duty of every owner of slaves to instruct them in the principles of the Catholic Apostolic Roman Church, in order that they may be baptized, if they should not have been already, and in case of necessity, shall assist them with the holy water, it being certain that every one may do that in such circumstances.

2. The instruction to which the preceding article refers, shall be given them at night, after ending of labour, and in continuation of the act they shall be made to repeat the rosary, or some other devout prayers.

3. On Sundays and full holidays, after fulfilling religious observances, the owners or persons intrusted with estates shall be allowed to employ the negroes of them for the space of two hours in cleaning the houses and offices; but not for more time, nor to occupy them in the labours of the estate, except it may be in the times of gathering or in other duties which do not admit of delay, and in these cases they shall work as in days of labour.

4. They shall take care under their responsibility that to the slaves already baptized who are of age necessary for that, the sacraments be administered when the Holy Mother Church has directed it, or it may be necessary.

5. They shall take the greatest care and diligence possible in making them understand the obedience they owe to the constituted authorities, the obligation of reverence, the priests, of respect to white persons, of conducting themselves well with people of colour, and of living in good harmony with their companions.

6. The masters shall give regularly to their field slaves two or three meals each day, as may appear best to them, so that they be sufficient to maintain them, and rest them from their fatigues; it being understood that they regulate for daily aliment and of absolute necessity for each individual, six or eight plantains, or their equivalent in sweet potatoes, yams, yucas, or other alimentary roots, eight ounces of flesh or salt-fish, and four ounces of rice, or spoon meat or flour.

7. It shall be their duty also to give them two suits every year, in the months of December and May, composed each of a shirt and trowsers of duck or russia, a cap or hat, and a handkerchief; and in December there shall be added, alternately one year, a shirt or jacket of woollen, and the other year, a blanket to wrap themselves up during the winter.

8. The negroes newly born or small, whose mothers go to the labours of the estate, shall be fed with very light articles, as soups, broths, milk, or other like, until they are beyond milk time and teething.

9. While the mothers shall be at work, all the little ones shall be in a house or habitation, which it shall be their duty to have in all sugar and coffee estates, which shall be under the care of one or more negroes that the master or majordomo may believe necessary according to their number.

10. If they should fall sick during the milk age, it shall then be the duty to nourish them at the breasts of the mothers themselves, separating these from the labours or tasks of the field, and applying them to other domestic occupations.

11. Until they complete the age of three years they shall have shirts of cotton, in that from three to six they may be of duck; to the females from six to twelve shall be given shifts or large shirts, and to the males from six to fourteen shall be provided also trowsers, following after those ages the order of the rest.

12. In ordinary times the slaves shall work from nine to ten hours daily, the master regulating these as to him may appear best. In the estates during croptime or gathering, the hours of labour shall be sixteen, arranged in a manner to proportion them two hours of rest in the day, and six in the night for sleeping.

13. On Sundays and full holidays, and the hours of rest on the days after labour, the slaves shall be permitted to employ themselves within the estates in manufactures or occupations, that may yield to their personal use and benefit, to enable them to acquire a peculium, and obtain for themselves liberty.

14. Male slaves above sixty years, or less than sixteen, shall not be obliged to work by task, neither the females; nor shall any of these classes be employed in work not conformable to their sex, age, strength, and vigour.

15. The slaves who from their advanced age or infirmity are not in a state for labour, shall be maintained by their masters, and they shall not concede them their liberty to release themselves from them; unless it be they are provided with peculium sufficient for the satisfaction of justice, under the hearing of the Procurator Syndic, that they may be able to maintain themselves without other assistance.

16. On every estate there shall be a secure place appropriated for the deposit of instruments of labour, the key of which shall never be confided to any slave.

17. On going to work, there shall be given to each slave the instrument he may have to use in the occupation of the day, and as soon as he returns it shall be taken from him and shut up in the deposit.

18. No slave shall go from the estate with any instrument of labour, and still less with arms of any kind, unless it be he may be accompanying the master or majordomo or their families, in which case he may carry a cutlass, and no more.

19. The slaves of one estate shall not be able to visit those of another, without the express consent of the masters or majordomos of both; and when they have to go to another estate or to go from their own, they shall carry a written licence from their own master or majordomo, with the marks of the slave, date of the day, month, and year, mention of the place to which they are destined, and period for which it has been granted.

20. Every individual, of whatever class, colour, or condition he may be, is authorised to detain a slave who is found out of the house or grounds of his master, if he does not present the written licence which he ought to bear, or, presenting it, it turns out that he has varied notoriously the tract or direction of the place to which he ought to journey, or that the time is exceeded for which it was granted; and he shall conduct him to the nearest estate, whose master shall receive and secure him, giving notice to the master of the slave if he shall be of the same district, or to the Pedaneo that he notify to whom it may be right in order that the fugitive may be taken by the person to whom he may belong.

21. The owners or majordomos of estates shall not receive any gratification for fugitive slaves, apprehended or delivered to them by virtue of the disposition in the preceding article; in consideration of its being a service which proprietors ought reciprocally to lend, and redounding to their private benefit.

Other apprehenders shall be remunerated by the master of the slave with the quota of four dollars, assigned for the capture in the regulation respecting runaways.

22. The master shall have further to satisfy the costs of maintenance, the cure, if it shall have been necessary to do it, and what further provides the same regulation respecting runaways.

23. The masters shall permit their slaves to divert and recreate themselves honestly on holidays after fulfilling the religious observances; but without leaving the estate, nor joining themselves with those of other estates, and doing so in an open space, and in view of the masters themselves, the majordomos, or overseers, until sunset, or toll of oration, and no longer.

24. The strictest vigilance is very particularly charged on masters and majordomos, that they prevent any excess of drink, and the introduction in the diversions of the slaves of another estate, and of others, free men of colour.

25. The masters shall take the greatest care to construct for the unmarried slaves spacious habitations on a dry and ventilated place, with separation for the two sexes, and well closed and secured with keys; in the which shall be kept a light raised high all the night: and such means being permitted, they shall have a detached habitation for each married couple.

26. At the hour of retiring for sleep (which on the long nights shall be at eight, and the short at nine), there shall be passed a roll-call of the slaves in order that none be left out of their habitation, except the watchers, of whom one ought to be appointed to watch that all keep silence, and give information immediately to the master or majordomo of every movement of their companions, of people who come elsewhere, or of any other particular circumstance that may occur.

27. There shall also be in every estate a place closed and secured with a proper division for each sex, and other two besides for cases of contagious diseases, where the slaves who fall sick shall be assisted with medical advice in grave cases, and by male or female nurses in lighter ills, in which they will only need common remedies; but always with good medicines, adequate nourishment, and the greatest cleanliness.

28. The sick, if it be possible, shall be placed in separate beds composed of a straw mattress, mat, pillow, coverlid and sheet, or on a scuttle which shall lend the relief sufficient for the cure of the individual placed on it, but always raised.

29. It shall be the duty of masters of slaves to avoid the illicit intercourse of both sexes, promoting marriages; they shall not prevent their marrying with those of other masters, and shall provide the married with a living together under the same roof.

30. To obtain this living together, and that the married may fulfil the ends of matrimony, the woman shall follow the husband; the master of this buying her for the price in which it may be agreed on for her, and if not, by just valuation by skilful persons of both sides, and a third in case of disagreement, and if the master of the man shall not be willing to make the purchase, the master of the woman shall have right of action to buy the man. In case that neither master of the one or other shall be disposed to make the purchase incumbent on them, the married couple shall be sold to a third.

31. When the owner of the husband buys the woman, he ought also to buy with her the children that she may have under three years of age, by reason of that according to right, until they complete that age, it is the duty of the mothers to *nurse and bring them up*.

32. Masters shall be obliged by the laws to sell their slaves when they cause them bad treatment, or commit on them other excesses contrary to humanity and the reasonable conduct with which they ought to treat them.

The sale in these cases shall be for the price in which skilful persons of both parts shall value them, or the authorities, in case that one of them shall refuse to make a nomination, and a third on disagreement when it shall be necessary; but if there should be a purchaser willing to take them without valuation for the price which the master requires, the authorities shall not prevent the sale being made in his favour.

33. When the masters sell their slaves for their convenience, or by their own will, they shall be at liberty to do so for the price they may agree on, according to the greater or less estimation in which they may be held.

34. No master shall be able to resist the coartacion of his slaves, always that they exhibit at least 50 dollars on account of their price.

35. The slaves, coartados, shall not be sold at a higher price than that fixed on them at their last coartacion; and subject to this condition they shall pass from purchaser to purchaser.

However, if the slave should wish to be sold against the will of his master without just ground for that

or shall give reason for the transfer by his bad conduct, the master shall be able to add to the price of the coartacion, the costs of the alcabala, and the fees of the writing which the sale may occasion.

36. The benefit of coartacion being peculiarly personal, the children of mothers, coartados, shall not enjoy part in it, and so they may be sold as others wholly slaves.

37. The masters shall give freedom to their slaves the moment that they have ready the price of their value lawfully acquired; which price, in case of the interested parties not agreeing among themselves, shall be fixed by a skilful person named by the master on his part, or in his default by the judge, another chosen by the Syndic Procurator-General on the representation of the slave, and a third chosen by the said judge in case of disagreement.

38. The slave who shall discover any conspiracy contrived by any other of his class, or by free persons, for the overturning of public order, shall gain his freedom, and moreover a reward of 500 dollars.

If the denouncers are many, and they present themselves at once to make the denunciation, or in a manner to leave not the least doubt that the last who presented themselves could have no idea of the conspiracy being already denounced, they shall all gain their liberty, and the 500 dollars of gratuity assigned shall be divided among them *pro rata*.

When the denunciation shall have for object to reveal a talking together, or the project of some attempt by a slave or free man against the owner, his wife, son, parents, administrator or mayoral of the estate, the owner is recommended to use generosity towards the servant or servants who have so well fulfilled the duties of faithful and good servants, on account of its so much interesting them to offer a stimulus to fidelity.

39. The price of liberty and the reward to which the first paragraph of the preceding article refers, shall be satisfied from the fund which shall be formed from the fines exacted for the infraction of these regulations, or any other of those belonging to the Government.

40. The slaves shall also obtain their liberty when it shall be left them by will, or any other mode lawfully justified, and proceeding from an honest and laudable motive.

41. The slaves are bound to obey and respect, as fathers of a family, their owners, majordomos, mayorals, and other superiors; and perform the tasks and labours which may be assigned them; and he who shall fail in any of these obligations, may be and ought to be punished correctionally by whoever is principal in the estate, according to the quality of the defect or excess, with confinement, fetters, chain, bolt, or stocks, where they shall be put by the feet, and never by the head, or with stripes which may not exceed in number 25.

42. When the slaves commit excesses of greater consideration, or some fault for whose punishment, or as warning, the correctional punishments of which the preceding article treats are not sufficient, they shall be secured and brought to justice, in order that by hearing of the master if he does not deliver them up for the damage, or with that of the Syndic Procurator if he should deliver them up, or it should not be wished to follow up judgment, it be proceeded on according to that which may be right; but in case the master shall not have indemnified or yielded up the slave for the injury, and this be condemned for satisfaction of damages and losses in one-third, it shall be the duty of the master to be responsible for them, without preventing that to the delinquent slave shall be applied corporal punishment or any other kind his fault may merit.

43. Only the masters, majordomos, or mayorals shall be able to chastise correctionally the slaves, with moderation, and the punishments which are provided; and whoever else shall do it without the express command of the master, or against his will, or shall cause him other hurt or damage, shall incur the penalties established by the laws, following up the case at the instance of the master, or, in his default, at the instance of the Syndic Procurator as protector of slaves, if the excess be not one of those affecting public justice, or officially, if it were of this last class.

44. The master, the person in charge, or dependent of the estate who shall fail to comply with, or shall infringe any one of the directions contained in this code, shall incur the first time the penalty of from 20 to 50 dollars; for the second, from 40 to 100; and for the third, from 80 to 200; according to the greater or less importance of the article disobeyed.

45. The fines shall be paid by the owner of the estate, or person who shall be guilty of the omission or infraction, and in case of his not being able to pay it, for fail of the amount, he shall suffer a day of imprisonment for each dollar of what constitutes the fine.

46. If the faults of the masters or persons charged with governing the slaves in an estate shall be for excess in the correctional punishments, causing the slaves grave contusions, wounds, or mutilation of member, or other great injury, besides the pecuniary penalties recited, criminal proceedings shall be instituted against him who caused the injury, at the instance of the Procurator Syndic, or officially to impose the becoming punishment on the crime committed; and the master shall be obliged to sell the slave, if he shall remain fit for work, or to give him his liberty if he be left unfit, contributing a daily quota, which the justice shall ordain, for maintenance and clothing while the slave shall live, to be paid monthly in advance.

47. The fines shall be appropriated in this form—a third part of the amount to the court or pedaneo who imposes them, and the remaining two-thirds to the fund, which is to be formed in the political government of each district, for the cases of which the Article 38 treats; for which object they shall be delivered under the receipt of the secretary of that district.

48. The lieutenant-governors, justices, and pedaneos will take care of the punctual observance of these regulations, and they shall inevitably be responsible for their omissions or excesses.

(Circular.)

To the Officers of the Government.

Havana, November 14, 1842.

In directing your performance and fulfilment of what relates, or may relate, to you, the code of good government and police which I have thought it right to dictate and publish, it is my duty to notify, with regard to the regulations respecting slaves, that the Article 48 does not empower the authorities, justices, or pedaneos to introduce themselves into the estates of the country, nor in the domestic management of the slaves, nor in any kind of search direct or indirect; but only to give report to this Superior Political Government of any infraction that may reach the knowledge of the

CLASS A.

said authorities and pedaneos of notoriety, for adopting the proper directions, and make effective the penalties, after this Government is instructed by legal and sure means of the existence of any infraction.

The which I state to you, Sir, for your information and corresponding effect in the execution.

God preserve you many years.

(Signed) GERONIMO VALDES.

No. 164.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, December 2, 1842.

(Received Dec. 31.)

MY LORD,

WE have the honour to enclose a further communication from the Captain-General of this island, respecting the negroes emancipated by decree of the Mixed Court of Justice at this place, under the Treaty of 1817, to whom have been delivered up their papers of freedom during the month of November last past. These amount in number, we would observe, this month only to 21, of whom 10 are males and 11 females, with 8 children the latter have had, making a total, with those previously reported, of 904 emancipated individuals of both sexes, and 291 children, thus put in possession of their full liberty.

In our acknowledgment we replied that we would take the earliest opportunity of transmitting this information to Her Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen, K. T.

&c.

&c.

&c.

First Enclosure in No. 164.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, November 30, 1842.

I ENCLOSE you a list of the emancipated negroes to whom have been delivered up their papers of freedom in the present month, whose number amounts to 21, and the 8 children they have had in addition. All which with the object I have proposed to myself from the beginning.

God preserve you many years.

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

(Signed) GERONIMO VALDES.

Enclosure in the above.

LIST of the EMANCIPADOS to whom have been delivered their respective Certificates of Freedom, by order of His Excellency the Captain-General, from the 1st until the end of the present month.

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Camilo . . . . .	. . . . .	Magico	73
Cecilia . . . . .	. . . . .	Gerges	362
Maria Belen	Agustina, 6 years	Indagadora	128
Antonio . . . . .	. . . . .	Fingal	39
Gil . . . . .	. . . . .	Aguila	391
Gabriela . . . . .	. . . . .	Emilio	69
Lorenza . . . . .	. . . . .	Voladora	227
Mateo . . . . .	. . . . .	Manuelita	392
Leon . . . . .	. . . . .	Orestes	62
Toribio . . . . .	. . . . .	Midas	81
Agustina . . . . .	. . . . .	Firme	286
Lucia . . . . .	. . . . .	Carlota	132
Julian . . . . .	. . . . .	Indagadora	23
Matilde	Francisco de Paula, 6 years	Planeta	198
Anastasio	Maria de la Merced, 5 years		
Genoveva . . . . .	. . . . .	Midas	20
	Leocadia, 6 years	Planeta	198
	Dolores, 3½ years		
	Petrona, 2½ years		
Faustina	Florencio, 3 years	Santiago	61
	Eleuterio, 9 months		

Names of the Emancipados.	Children that the Females have had, with note of their Age.	Vessels in which they were brought.	Nos.
Braulio	Negrito . . .	68
Juan de Dios	Gerges . . .	56
Casimiro	Firme . . .	53
Maria Purificacion	Aguila . . .	465

21 papers of freedom delivered during the present month, and 8 children the females have had.

Havana, November 30, 1842. (Signed) FRANCISCO GARNICA, Secretary.

Second Enclosure in No. 164.

Her Majesty's Commissioners to the Captain-General,

MOST EXCELLENT SIR,

Havana, December 1, 1842.

We have the honour to acknowledge the receipt of your Excellency's communication of yesterday's date, enclosing us a list of 21 emancipated negroes, with their 8 children in addition, to whom have been delivered up their papers of freedom during the month of November last passed, the which information we will take the earliest opportunity of transmitting to Her Britannic Majesty's Government.

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

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

RIO DE JANEIRO.

No. 165.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, November 17, 1841

MY LORD,

(Received Jan. 17, 1842.)

WE had the honour on the 16th instant to receive a Despatch, of the 3rd of September, 1841, from Viscount Palmerston, acquainting us that the Queen had been pleased to confer the Seals of the Office of Her Majesty's Principal Secretary of State for Foreign Affairs on your Lordship, and instructing us henceforth to address our Despatches and letters on public business to you.

We beg leave to assure your Lordship that we shall not fail to attend to these instructions, and have the honour to be, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 166.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, November 17, 1841.

MY LORD,

(Received Jan. 17, 1842.)

WE have the honour to acknowledge the receipt of a Despatch of the 11th of August, 1841, from Viscount Palmerston, instructing us to insert for the future, in the lists of vessels which arrive at this place from the coast of Africa, and which sail hence for that coast, the rig of the vessels, and the names of their masters.

We shall not fail, my Lord, to attend to these instructions, and have the honour to be, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 167.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, November 18, 1841.

MY LORD,

(Received Jan. 17, 1842.)

WE have the honour to acknowledge the receipt of a Despatch from Viscount Palmerston, of the 18th of August, 1841, approving of the conduct of Her Majesty's Commissary Judge, in complying with the request of Her Majesty's Chargé d'Affaires, by deferring to communicate to our Brazilian col-

leagues the substance of his Lordship's Despatch on the subject of the damages awarded in the case of the "*Pompeo*."

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 168.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, November 18, 1841.

(Received Jan. 17, 1842.)

MY LORD,

WE have the honour to acknowledge the receipt of a Despatch, of the 19th of August, 1841, from Viscount Palmerston, informing us that the Queen's Advocate has reported it to be his opinion that the chase of the canoe or launch, referred to in the Despatches from the Commission, of the 17th and 31st of October, 1840, 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.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 169.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, November 18, 1841.

(Received January 17, 1842.)

MY LORD,

WE have the honour to acknowledge the receipt of a Despatch, of 26th of August, 1841, from Viscount Palmerston, transmitting, for our information and guidance, a copy of a Despatch, which his Lordship addressed, on the 23rd of August, 1841, to Her Majesty's Chargé d'Affaires at Rio de Janeiro, relative to the negroes who may hereafter be captured, and brought to this port in foreign vessels.

As the Despatches above-mentioned enjoin a departure from the mode of disposal of emancipated negroes hitherto invariably practised, pending a negotiation between Her Majesty's Government and that of Brazil, with a view to obtain a proper compliance with the stipulations in respect to such negroes, we have thought it right to communicate with Her Majesty's Minister at this Court on the subject, and we shall hereafter have the honour of laying the result before your Lordship.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 170.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, December 1, 1841.

(Received February 5, 1842.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 20th of September, 1841, acquainting us that the Queen's

Advocate had reported it to be his opinion that this 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.

Your Lordship also observes that the "*Castro*" being admitted to have been detained within three or four hundred yards of the coast of Brazil, there could be no doubt that the capture was illegal, and that the captor was liable to compensate the owners for the losses occasioned by his unauthorized act; and further, that it is certainly to be lamented that the captor persisted in bringing the case before this Mixed Commission for adjudication, but that, being so brought and 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.

We have, &c.

(Signed) ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 171.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, December 4, 1841.

(Received February 5, 1842.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of 21st September, 1841.

By it we learn that the Commissioners' Despatches of the 8th of February, 10th of March, and 17th of May, 1841, had 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. Also, that the Queen's Advocate cannot concur in the opinion expressed in Commissioners' letter of the 5th of May, 1841, to Mr. Ouseley, 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 the Commissioners 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.

By the same Despatch from your Lordship, we further learn that 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 the Commissioners in the Duke of Wellington's Despatch of the 11th of February, 1835.

We beg leave to assure your Lordship that we take due note of these opinions and instructions, and shall not fail to regulate ourselves accordingly.

We have, &c.

(Signed) ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 172.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, December 4, 1841.

(Received February 5, 1842.)

MY LORD,

WE have the honour to place before your Lordship the enclosed copy of a paper presented to this Commission Court in the Session of 3rd November

last, by the British Commissary Judge *ad interim*, suggesting some alterations in the form of proceedings in cases of Brazilian vessels with slaves on board, with the view to prevent expense by removing the cause of much needless delay in adjudicating and carrying into effect the sentence of the Court in such cases.

We also enclose a copy of the reply given to that paper by the Brazilian Commissary Judge, whose demur in coinciding with the proposed alterations being principally on account of the required sanction of the Imperial Government, we deemed it proper to submit both papers to the consideration of Her Majesty's Minister at this Court, stating to him in a Despatch, a copy of which we have also the honour to enclose, all the circumstances which lead us to conclude that the suggested alterations are expedient and just, soliciting, therefore, his assistance in obtaining the sanction of the Brazilian Government.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 172.

Remarks on some of the proceedings of the Mixed Commission Court for the Abolition of Slave Trade at Rio de Janeiro, offered to the Brazilian Commissary Judge by his colleague ad interim.

Rio de Janeiro, November 3, 1841.

THE undersigned, wishing to avoid the great expense as well as the protracted suffering resulting from prolonging the period of adjudicating a case of a Brazilian vessel captured with slaves on board, and reflecting that when the nationality of a vessel detained with such conclusive and evident proof of criminality unquestionably appears, all delay in decreeing sentence is needless, and ought to be carefully avoided; and presuming that his colleague admits these facts, the undersigned takes the liberty of suggesting the following course when a vessel under the Brazilian flag, with slaves on board, is brought into Court for adjudication.

After the captor or his representative has made the requisite declarations, instead of issuing the usual monition of several days, allowing time for parties to prepare a defence, or to arrest or retard sentence, it would be advisable to substitute a notice that the case is in Court, and will be forthwith proceeded with according to Treaties.

That on the following day the standing interrogatories be put; and, in order to avoid all the inconveniences which have been experienced, that the witnesses be examined on board the receiving-ship "Crescent," or wherever else they may happen to be kept in custody. Should it be thought essential to land the witnesses, the Marine Arsenal would be preferable to the Office of the Commission Court at Guarda Velha. But there does not appear to the undersigned any reasonable objection to examine the prisoners where they are kept, and especially on board the "Crescent," where every convenience exists in the cabin of the commander, and in conveyances to and from the shore.

All the proceedings of the Mixed Commission Court having for their object the elucidation of every fact attending the voyage, the vessel, the crew and owners thereof, seized under the circumstances alluded to, there does not appear any necessity for either a formal accusation on one hand, or a formal defence on the other. I presume that, in a case of the nature now contemplated, there cannot exist any doubt founded on the interpretation of law, and therefore that the production of lawyers' papers on either side occasions delay and expense to all parties unnecessarily, and without any beneficial result.

The Commissary Judges are, I think, bound to ascertain as far as possible all the facts of a case. They are not restricted by any legal forms in the manner of doing so: on the contrary, they have to apply to their respective Governments for all needful assistance; because the Court and all its proceedings emanate, not from local laws of either Government, but from the determinations both Crowns have come to by the Treaty. Therefore, the searching out and verifying all evidence bearing on the guilt or innocence of the accused, is a duty imposed solely on the Commissioners.

In conformity with this view of the obligations of the Commissioners, should a circumstance require to be verified by the inspection of registers in any public department of either Government, I conceive that the Commissioners ought to have every facility afforded them of doing so to their own satisfaction. And should a fact require to be proved by survey of professional persons, I hold that the Commissioners are responsible for the selection made of the surveyors, as on the result of the survey the judgment of the Court may depend. Also, should any particular of the case call for elucidation by cross-examination of either the captors or the accused, the Commissioners have it in their power to do so.

From all which the undersigned deduces that the Commissioners, being responsible for a decision founded on truth, and unrestricted by any other forms than those furnished in the instructions from both Governments, they are evidently empowered to satisfy themselves, in the most satisfactory manner they can devise, as to the truth of allegations or of facts upon which, as Judges, they are called upon to sentence; and that, consequently, the least departure from this mode of verifying all evidence is not aiding, but thwarting the declared object of both Governments.

As soon as the sentence is signed, there cannot be any just reason for delay in placing the negroes at the disposal of the Government, all such delay being attended with much expense. This object would be readily attained if the Imperial Government would act on an official copy of the sentence, and not require, as a first step, the copy of the process, and its transmission through the Chancellor's Office, which is a form creating delay, and which could without inconvenience be subsequently complied with

Should the Mixed Commission Court execute that part of its sentence which orders the sale of a vessel, and which it might with great facility carry into effect by instructing the registrar to order the sale by a broker, great delay and much expense would be avoided; and the proceeds would be paid into Court, and the expenses attending the negroes settled without the delays which have often occurred.

(Signed) ROBERT HESKETH.

Second Enclosure in No. 172.

(Translation.)

Rio de Janeiro, November 16, 1841.

THE Brazilian Commissary Judge presents to his illustrious colleague the British Commissary Judge *ad interim*, the result of his observations on the questions which he had the goodness to offer, in order to the proper course and prompt decision of the proceedings which may be submitted to the cognizance of the Mixed Commission.

The Brazilian Commissary Judge, like his worthy colleague, is convinced that whenever a vessel under the Brazilian flag, and with Brazilian clearances, having Africans on board, be captured, there can be no reason why the process, and its adjudication, should not be as summary as possible, and he has therefore no hesitation in adopting the ideas of his worthy colleague in this respect, and from this moment he engages that on his part such proceedings shall never exceed the space of 20 days, specified in the regulations for the Commission, without, however, precluding the parties interested from alleging whatever may conduce to their interest. It is true that circumstances may occur to render it impossible to pass sentence so expeditiously, but in such cases the Brazilian Commissary Judge will always endeavour to adhere to the articles of the said regulations, so that the final judgment may always be within the period therein specified.

The Brazilian Commissary Judge cannot however agree with his worthy colleague as to the measure which he proposes of examining the witnesses on board of the "Crescent," where the prisoners are usually detained, because, besides being somewhat indecorous, it is entirely contrary to the practice observed in all Brazilian tribunals, and he does not see that any convenience would result from such a measure, because, if its object be to shorten the interrogatories, the same time taken up by the prisoners in coming from the "Crescent" to the Commission would be required by the Commissioners if, perchance, they should be obliged to go on board of that ship, besides the personal inconvenience, which, perhaps, might contribute much to prevent the examinations from being made with that despatch which his worthy colleague seems to have in view. If however this measure be also intended to prevent the repetition of occurrences which have already attended the bringing of such prisoners, and the Imperial Government having adopted the measures which it thought necessary to prevent the repetition of such occurrences, the Brazilian Commissary Judge can assure his colleague that on this point also no other measure will be necessary; but if perchance extraordinary and unforeseen circumstances shall oblige it to have recourse to the measure which has already been several times taken, namely, to convey the prisoners, to the Marine Arsenal, the Brazilian Commissary Judge will not fail in such cases to solicit the requisite orders for this purpose, without however its being established as an invariable rule, adding that on his part he will likewise always assist in making and concluding the examinations with the greatest possible despatch.

It being expressed in the regulation of the Commission that the proceedings be founded on the papers taken on board of the detained vessels, independently of any other, nevertheless the Brazilian Commissary Judge will offer no impediment to the taking cognizance of any documents which, perchance, may better demonstrate the guilt or the innocence of the persons accused, inasmuch as this is in conformity with all the rules of natural right; but the same Commissary Judge cannot admit the principle of the Commission having the power by itself to proceed to any examination of the registers of the public departments of the country, because, not having any authority to that effect, it would never meet, on the part of those employed in such departments, with any means of executing its determinations on that head; yet as the Brazilian Commissary Judge considers that circumstances may occur requiring the presentation of documents from the aforesaid departments, he will not fail to apply for them from the Imperial Government, but only when the Judges may deem them indispensable for the better elucidation of the fact upon which they have to adjudicate, and never on application from the parties interested, because the latter ought, in that case, to solicit them in the ordinary modes.

In like manner in respect to the surveys, as they are to be made by individuals deserving public credit, the Brazilian Commissary Judge does not see how it is possible to omit having recourse, as has hitherto been the practice, to the Government for the ordering the Marine Arsenal to take suitable measures in that respect; nevertheless he will have no objection to adopt the means proposed by his worthy colleague, provided that such be the wish and the determination of the two Governments.

Finally, in regard to the proposed measure, that it be sufficient for the execution of the sentence that a copy thereof be sent to the Judge who will have to execute the same, without its being issued in legal form, according to the laws and regulations of the country, the Brazilian Commissary Judge is sorry to apprise his worthy colleague that he does not think himself authorized to that extent. No sentence can be executed in the country till the formalities established by law shall have been fulfilled; and if it were absolutely necessary to dispense with them, it would have been requisite to establish the same by the treaties. And further, if the object of such a measure be to avoid a greater expense with the Africans, for account of the British Government, this point being already before the two Governments, it is proper to await their decision, without there being any alteration on the part of the Commission, even in respect to the selling of the vessels at public auction, because that belonging to the Municipal Judge, as the authority executing the sentences of the Commission, in consequence of that authority substituting, according to the new regulations, the General Superintending Judge of Contraband, referred to in the Alvara of the 26th of January, 1818, the said Brazilian Commissary cannot, without an express authority from the Imperial Government, decide anything in this respect.

Finally, the Brazilian Commissary Judge has to assure his worthy colleague that on his part he (the latter) will always experience the most positive proofs of the desire which he has always had, and which he retains, to concur as much as possible, in order that the Mixed Commission may completely fulfil the end which the two Governments had in view in its creation.

(Signed)

JOAO CARNEIRO DE CAMPOS,

Brazilian Commissary Judge.

BRAZ MARTINS COSTA PASSOS, *Secretary.*

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

(A true Copy.)

(A true Translation.)

Third Enclosure in No. 172.

Her Majesty's Commissioners to Mr. Hamilton.

SIR,

Rio de Janeiro, December 6, 1841.

WE have the honour to enclose a copy and translation of the reply from the Brazilian Commissary Judge to a paper presented in the session of the 3rd of last month, and which was also submitted to you, Sir, by the British Commissioner *ad interim*.

The alterations suggested in that paper have for their object the expediting the adjudication in this Commission Court of the simple case of a Brazilian vessel captured with slaves on board; and as all delay in this class of cases is exceedingly injurious, it is satisfactory to perceive, by the enclosed reply, that the objection on the part of the Brazilian Commissioner to adopt at once the proposed alterations does not proceed from a different opinion as to the inconvenience of the present system, but from a reluctance to adopt, without the authority of his Government, any alteration or modification in the regulations, which were originally made and established as the basis of the proceedings in the Mixed Commission Court.

This being the chief cause of demur on the part of our Brazilian colleague, we trust that the following considerations, which lead us to recommend some modification of the regulations in question, will be found by you, Sir, of sufficient weight to merit your attention and assistance in obtaining the concurrence of the Imperial Government.

The regulations for the proceedings of the Mixed Commission Court form part of the Treaty dated July 28, 1817; they were framed to meet the complicated cases which might then be expected to arise in consequence of a restricted Slave Trade being allowed, and under circumstances when the accused parties required an equitable period in which they might establish facts which would then not only avert condemnation, but give a right to compensation for the detention. But now that all Slave Trade is illegal, all the regulations which were formerly requisite to meet certain points in a case of a Brazilian vessel captured with slaves on board have no application, and in fact, only tend to embarrass the ultimate and unavoidable conclusion of a case of the description alluded to, because the mere fact of African negroes being on board a Brazilian vessel is sufficient ground for immediate decision.

Under this view of the regulations the alterations referred to were suggested, and we now proceed to see following observations on the reply of the Brazilian Commissary Judge:—

1stly. Respecting the propriety of curtailing the period of monition, and proceeding at once to verify the circumstances of the capture and examination of the vessel's papers, so as to shorten considerably the period for adjudicating a vessel with slaves. The Brazilian Commissioner holds that 20 days are allowed by the first Article of the Regulations as the period for the adjudication of such a case; whereas the words in the cited Article that the Commissioners "are required to decide (*as far as they find it practicable*) within the space of 20 days," do not necessarily require the full extent of that period in a case which, morally speaking, may be considered as already decided by the presence of the negroes on board, thus rendering a decision quite practicable within the specified period; and, in such cases, delay occasions injury to many parties without benefiting any.

2ndly. The suggestion to examine prisoners on board Her Majesty's receiving ship "Crescent," instead of landing them, though apparently expedient, appears so objectionable to the Brazilian Commissioner, and other Brazilian authorities feel so strongly on the subject, that they prefer a continuance of the inconvenience and responsibility of landing them, rather than alter the present arrangement, and it consequently is needless to make any further observation on this particular.

3rdly. The examination of registers and other public documents at the Government Offices.—On this point the Brazilian Commissioner again alludes to the Regulations of the Treaty of 1817, stating that though, according to their tenor, the proofs of guilt should be founded on the papers seized on board the captured vessel, still that he is willing to accept any other documents which may prove the guilt of the parties. In most cases before the Commission Court there is great difficulty in establishing distinctly the real owners and masters of the vessels under adjudication, and the exact particulars of the voyage. The readiest and most satisfactory means of obtaining information on these particulars would be a communication between the Commission Court and the following departments—the Custom House, the "Consulado," or Export Office, the Treasury, and the Marine Secretary of State's Office.

As both Governments profess the same object, it is reasonable to expect that the Imperial Government will afford every facility to the Commissioners in their search after every particular, and concur in an arrangement by which the Mixed Commission Court could itself obtain from the public departments important information, instead of being limited to the forms said to be prescribed by the Regulations, and which afford no other means of obtaining information on material matters than what can be gleaned from the evidence, frequently conflicting, and, per se, unsatisfactory, furnished by the proceedings in the Court. The Commission Court does not decide between two individuals. Its duty is to detect and punish all infractions of the Treaties against Slave Trade brought before it, and to expose the different means by which Slave-dealers effect the introduction of slaves, infringing thereby a specific Brazilian law; and the assistance of the Imperial Government is essential to carry into effect the chief object of the Commission, which is the abolition of Slave Trade, the condemnation of a slave-vessel being only one of the measures aiding the attainment of that principal object. And when it is

CLASS A.

considered that, by the varying, palpable, and endless subterfuges and deceptions of slave-dealers, many of the regulations, originally framed for their detection and punishment, have proved inefficient, it is evident that progressive alterations in those regulations become indispensable to render efficient the working of a Commission employed in extinguishing in this country that detestable traffic.

4thly. The selection of persons to act as surveyors.—Our Brazilian colleague is undoubtedly well aware of the unsatisfactory results which have often attended surveys appointed according to the form established in consequence of the interpretation at first given to the Regulations, namely, that the Court should, when requiring professional opinions on matters connected with shipping, apply for the services of the competent officers of the Brazilian dockyard; and he must be equally aware, that when surveys have been held conjointly with those officers and British naval officers, the parties have given contrary opinions; and, therefore, by leaving this point to the decision of both Governments, the inference is that an alteration in this particular is expedient. Any needful decision on a maritime question would be satisfactorily secured for the Commission Court, if each Commissary Judge would select from the officers belonging to the navy of their respective countries (always to be met with at Rio de Janeiro) one holding the rank not lower than commander or lieutenant in command, and each of such officers to bring a master, or carpenter, or medical officer belonging to their respective services, according to the subject matter to be reported on.

5thly and lastly, The execution of the sentence of the Commission Court, having reference to the landing of the negroes and the sale of the vessel.—In every case of a Brazilian vessel with slaves on board, which has been sentenced by the Commission Court, considerable delay has occurred between the date of the sentence and the landing of the negroes, because, according to the "Alvará," dated the 26th of January, 1818, quoted by the Brazilian Commissioner in his reply, an authority, independent of the Commission Court, was appointed to distribute the negroes emancipated by that Court. It is clear that this arrangement naturally followed the stipulations of the Treaty, giving the care of the emancipated negroes to the Brazilian Government, who, having guaranteed the ultimate freedom of the negroes are responsible for all the lamentable abuses which are notorious. But such an arrangement, the result of good faith, does not give a right to a tribunal, purely Brazilian, to execute, as is alleged, the sentences of the Mixed Commission Court. In fact the Court executes an important part of its sentence when giving to each negro a certificate of freedom. Therefore the detention, between the date of sentence on the vessel and landing the negroes, forms part of the unjustifiable abuses practised with regard to them; and by inferring that, because a Brazilian authority has the distribution of these ill-treated negroes, the Commission Court cannot execute its own sentences with regard to ordering also the sale of the vessel it condemns, is merely lengthening out the inconvenience of such abuses. It is undeniable that a sale of a vessel by the Municipal Court is more dilatory, more expensive, and more unfavourable in the price obtained than would be the case if effected, by order of the Commission, through any commercial auctioneer.

On the sale by either method the title to the property, whether falling to a British, or Brazilian, or any other subject, is not granted by the Municipal Court. There is consequently no utility whatever in continuing the old system, but, on the contrary, a sale by the Municipal Court injures both Governments by needless delay and expense, and perhaps an unfair price. Besides in many instances it has been turned to the advantage of slave-dealers, the original owners, by themselves cheaply purchasing and refitting for another illegal voyage the vessels sold in this manner. There is nothing in the existing treaties to prohibit or impede the Commission Court from executing its own sentence with regard to the sale of the vessel, as freely as it does in emancipating each negro; and it is therefore reasonable to expect that the abuses which have arisen from a different practice will induce an alteration.

And we rejoice that, by the reply of the Brazilian Commissioner, a means appears indicated by which to accomplish this alteration; for he so clearly admits that needless delay occurs, both in landing the negroes and in selling the condemned vessels, that he classes these points with those which are now under diplomatic arrangement in connexion with the question on the payment of those expenses which have been incurred after the sentence of the Commission Court was decreed.

Hamilton Hamilton, Esq.
&c. &c. &c.

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

No. 173.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, December 23, 1841.

(Received Feb. 5, 1842.)

MY LORD,

WE have the honour to acquaint your Lordship that on the 7th instant, Commander Christie, of Her Majesty's sloop "Rose," brought before this Court for adjudication the case of the Brazilian brig "Convenção," Agostinho Fernandes Catanho Vasconcellos master, detained by him on the 2nd instant off the Brazilian coast.

This case has so far proceeded that the Brazilian Commissary Judge and his colleague, *ad interim*, have both declared their opinions as to the sentence to be awarded, but as they differ on this point an arbiter was to-day elected in the customary manner, and the lot fell on the British Commissioner of Arbitration, Mr. Grigg.

By the next packet we shall have it in our power to transmit to your Lordship every particular of the proceedings, as well as the sentence on this case.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 174.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 28, 1842.

I HAVE received your Despatch of the 4th of December, 1841, enclosing a copy of a paper sent in by you to the Brazilian Commissary Judge, suggesting the adoption of measures with the view of preventing delay and expense in cases of vessels captured with slaves actually on board, and brought before the Mixed Court for adjudication.

I approve of that communication, and I have instructed Her Majesty's Envoy to use his best endeavours to obtain the consent of the Brazilian Government to the measures therein proposed.

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

(Signed) I am, &c.
ABERDEEN.

No. 175.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 11, 1842.

I HAVE received your Despatch of the 13th of September, 1841, transmitting a copy of a Despatch communicated to you by the Brazilian Judge, containing the reply of the Brazilian Government to the propositions which you had been instructed by Viscount Palmerston's Despatch of the 16th of March, 1841, to make to your Brazilian colleagues with respect to the mode of remunerating persons acting as proctors in the Mixed Court of which you are members.

I have now to transmit to you a copy of a letter and its enclosure received at this department from Her Majesty's Treasury upon the subject in question, and I have to instruct you to use your best endeavours to obtain the consent of your Brazilian colleague to the adoption of the views of the Lords of Her Majesty's Treasury, as explained in the annexed Report from Mr. Rothery.

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

(Signed) I am, &c.
ABERDEEN.

First Enclosure in No. 175.

Mr. Trevelyan to Viscount Canning.

MY LORD,

Treasury Chambers, March 1, 1842.
(Received March 3.)

WITH reference to your Lordship's letter of the 8th of January last, respecting the remuneration to be given to the proctor acting on behalf of the captors in the Court of Mixed Commission at Rio de Janeiro, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you copy of a Report from Mr. Rothery on the subject, and to request that your Lordship will move the Earl of Aberdeen to give instructions to Her Majesty's Commissioners at Rio de Janeiro in conformity with Mr. Rothery's suggestions.

The Right Hon. Viscount Canning,
&c. &c. &c.

(Signed) I am, &c.
C. E. TREVELYAN.

Second Enclosure in No. 175.

Mr. Rothery to the Lords of Her Majesty's Treasury.

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

MAY IT PLEASE YOUR LORDSHIPS,

Stratford Place, February 5, 1842.

IN obedience to your Lordships' commands I have perused and considered the documents herewith returned, consisting of a letter from Viscount Canning, dated the 8th of January ultimo, together with copies of an instruction which had been addressed to Her Majesty's Commissioners at Rio de Janeiro, and of the answer thereto respecting the remuneration to be given to the proctor acting on behalf of captors in the Court of Mixed Commission at Rio de Janeiro.

I do most humbly report to your Lordships, that it appears from these documents that an instruction had been sent by Viscount Palmerston to Her Majesty's Commissioners at Rio de Janeiro, calling their attention to the charge of 50*l.* which had been made by a proctor, and which had appeared to exceed what the proctor was entitled to for his professional duties; and the Commissioners were directed to propose to their Brazilian colleagues, and to determine with them the proper amount which the proctor ought fairly to receive; and that in those cases in which the vessel might be condemned, that the proctor should be paid his proper charge out of the proceeds of the condemned vessel, and I crave your Lordships' reference to my report of the 9th of February last on this subject.

I beg leave further to report, that it appears to me that the British Commissioners have merely contented themselves with forwarding the proposition to their Brazilian colleagues, without using their endeavours to establish the principle proposed by Viscount Palmerston, for they without comment state that they had received from the Brazilian Commissioners an intimation that, considering the choice which the owners of the captured vessels may make of any person to defend their interests, to be quite a private affair, it is their duty to satisfy their proctors as to the sum for which they may have agreed, without any interference of the Imperial Government in such agreement; and that with respect to the cruisers, this being an affair entirely in the competency of the British Government, the Imperial Government had nothing to say respecting it.

I apprehend that the whole of the Commissioners have misunderstood the intentions of the instruction sent out by Lord Palmerston; it embraced two objects: first, that the charge which had been made by the proctor employed had been excessive, and it being within the power and authority of all courts to determine what the professional persons practising therein should receive for their professional duties, it was recommended that the whole Commission should determine what the proctor should be entitled to receive; this should be done without reference from whom the same was to be paid, either captor or claimant, and still appears to me a proper measure to be adjusted by the Commissioners to prevent excess and extortion.

The second point for their consideration and determination was, that in cases of condemnation the proctor's charge should be deducted from the proceeds. The British Commissioners ought to have urged that as in all cases of condemnation the nett proceeds are divisible equally between the two Governments, one moiety to the British Government (which it has granted to the captors), and the other moiety to the Brazilian Government, it follows that all absolute and necessary expenses in obtaining that condemnation should be paid out of the gross proceeds; and therefore the observation of the Brazilian Commissioners in no manner meets the principle contended for. If the owners of the captured vessels in which condemnation takes place employ professional men, it is evident that the expenses of the guilty cannot be paid out of the property confiscated, and it therefore becomes a private affair between the owner and practitioner; and furthermore, it ought not to be forgotten, that where improper seizure is made, the proctor's charge on behalf of the claimant always forms one of the items to be reimbursed by him either by the captor or the British Government.

All which, &c.

(Signed) WILLIAM ROTHERY.

No. 176.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, January 3, 1842.**(Received March 14.)*

MY LORD,

IN pursuance of the 75th clause of an Act passed in the 5th year of the reign of His Majesty George the Fourth, intituled "An Act to amend and consolidate the laws relating to the Abolition of the Slave Trade," we have the honour to transmit herewith a Return of all vessels adjudicated in the Mixed British and Brazilian Court of Commission established in this city, from the 30th of June, 1841, to the 31st of December, 1841.

We have, &c.

(Signed) R. HESKETH.
F. GRIGG.*The Right Hon. the Earl of Aberdeen, K. T.*
&c. &c. &c.

Enclosure in No. 176.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, from June 30 to December 31, 1841.

Name of Vessel.	Tonnage.		Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Decretal Part of Sentence.
	Brazilian Admeasurement.	British Admeasurement.		Latitude.	Longitude.				
Convenção . . .	161	128½	1841 December 3	23° 35' S.	43° 7' W.	Brig and Cargo.	H. M. S. "Rose," Peter Christie, Esq., Commander.	1841 December 30.	Restored to her Owner, but without the right to claim Indemnities.

No. 177.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, January 15, 1842.**(Received March 14.)*

MY LORD,

IN reference to our Despatch of the 23rd of December, 1841, we have now the honour to report fully the case of the Brazilian brig "*Convenção*."

On the morning of the 2nd of December last, Commander Christie, of Her Majesty's sloop "*Rose*," fell in with that vessel, and after a chase of seventeen hours boarded and detained her under the Treaties with Brazil for the abolition of Slave Trade.

The "*Convenção*" was libelled before this Mixed Commission Court on the 7th of December; and the case being closed thirteen days after, and the two Commissary Judges differing as to the sentence, lots were drawn, and the British Commissioner of Arbitration being elected, his decision was given into Court on the 29th, and sentence was signed on the 30th of December, releasing the "*Convenção*," but refusing any indemnity for the detention.

For every particular of this case we have the honour to refer your Lordship to the enclosed report, and its thirteen annexes, consisting of translated extracts of the evidence, of several material documents, and of the three respective votes of the Commissioners, and of the sentence.

With regard to further observations on this case, we beg leave to refer your Lordship to our respective and separate Despatches of this date.

We have, &c.

(Signed) ROBERT HESKETH.
FRED. GRIGG.*The Right Hon. the Earl of Aberdeen, K.T.*
&c. &c. &c.

First Enclosure in No. 177.

*Report of the case of the brig "Convenção."**Rio de Janeiro, January 15, 1842.*

COMMANDER CHRISTIE, of Her Majesty's sloop "*Rose*," appeared at the Commission Court on the 7th of December, 1841, presenting a declaration from himself, and two from his officers, of all which copies are enclosed, marked A; and stated that the Brazilian brig "*Convenção*," Agostinho Fernandes Catanho de Vasconcellos master, was detained by him, on the 3rd of December, at sea, in lat. 23° 35' South, and long. 43° 7' West, for being equipped for Slave Trade; praying, accordingly, judgment on this vessel, and giving into Court the 20 papers described and numbered as under.

After verifying the captor's declaration, as well as that Her Majesty's ship "*Rose*" was provided with the instructions required by Treaties for detaining Brazilian vessels engaged in the Slave Trade, the customary monition was then issued according to the legal forms of this country, and made returnable on the 13th of December.

The papers given into Court are as follows:—

No. 1. The passport of the brig "*Convenção*," dated Rio de Janeiro, September 11, 1841, declaring that Manoel Gonçalves Dias, a Brazilian subject, is owner, and Agostinho Fernandes Catanho de Vasconcellos master, bound on a voyage from Rio de Janeiro to Pernambuco, touching at Cotinguiba and Maceio, having "*visés*" endorsed at Santos on October 11, 1841, and at Rio de Janeiro on November 29, 1841.

No. 2. Muster-roll of crew, dated Rio de Janeiro, November 29, 1841, describing 17 persons, including the master; and all, except the master and a seaman, European born.

No. 3. Certificate of the register of the brig "*Convenção*," stating the names of her owner, and of her master as above; that she is foreign built, tonnage 161 tons, and giving the dimensions of the hull and other descriptions of the vessel, dated Rio de Janeiro, September 11, 1841.

No. 4. Custom-house certificate of payment of anchorage and other port charges, dated Rio de Janeiro, November 29, 1841.

No. 5. A similar certificate from the Custom-house at Santos, dated October 11, 1841.

Nos. 6 and 7. Two certificates from the Custom-house at Santos, both dated October 11, 1841, declaring the "*Convenção*" bound to Pernambuco with the same cargo with which she arrived from Rio de Janeiro.

No. 8. Official manifest of the cargo on board "*Convenção*," dated Rio de Janeiro, September 11, 1841.

No. 9. Consulado or Export Office certificate, confirming the manifest, dated Rio de Janeiro, November 30, 1841.

Nos. 10 to 16. Seven Custom-house clearances, dated Rio de Janeiro, in September, 1841, for the seven following shipments:—30 empty casks, 32 barrels of beans, 8 bags of rice, 100 bags of farinha, 45 empty casks, 21 empty sugar cases, and 80 arrobas of jerked beef.

Nos. 17 to 20. Four letters, signed by Thomas Ferra. da Sa. Alvez, dated at Rio de Janeiro, in the

month of September, 1841, being instructions to the master of the "*Convenção*," and to correspondents at Cotinguiba, Maceio, and Pernambuco, regarding the disposal of the cargo, and return voyage of the vessel.

On the 9th and 10th of December the master and four of the crew of the "*Convenção*" were examined on oath by the Court. The answers of these five witnesses form Enclosure No. 4.

The following appears from the evidence:—that the "*Convenção*" departed from Rio de Janeiro on the 13th of September last, clearing out for Pernambuco, but to touch at the intermediate ports of Cotinguiba and Maceio, having on board the articles specified in the manifest, of which Enclosure No. 6 is a copy. There is no record of the crew then on board besides the master. That the vessel becoming leaky, the master put into Santos, from whence he departed on the 13th of October for the original destination to the northern ports, but, being dismasted, the vessel put into Rio de Janeiro in distress. That on the 1st of December the "*Convenção*" again sailed for Pernambuco, and the two before-mentioned ports, with the articles originally shipped, and with a crew of 17 persons, as specified in the muster-roll. That on meeting at sea Her Majesty's ship "*Rose*," every exertion was made on board the "*Convenção*" to escape, as proved by a certified diagram produced by the captor (Enclosure No. 7), and, being boarded, the four letters signed by Thomas Ferra. da Sa. Alvez, the owner's agent, were produced to the captor open (Enclosures 8, 9, 10, and 11).

The master of the "*Convenção*" declared that he was not acquainted with Dias the owner, and also that he did not know where Alvez, the owner's agent, resides in Rio de Janeiro. That he had not any bills of lading, or invoices, or sea-log to produce. The five witnesses denied that any attempt was made on board the "*Convenção*" to escape from Her Majesty's ship "*Rose*," and they all deposed that the vessel was bound to Pernambuco and the said intermediate ports, where the provisions on board were to be sold.

The second, third, fourth, and fifth witnesses declared that their agreements had not been made with the owner of the vessel or with his agent, but with the first witness (the master).

On the 13th of December the captor's proctor petitioned that judgment might be postponed till a survey on the "*Convenção*" could be held, and it was granted, allowing till the 17th of December. Also on the 13th of December the proctor for the claimant presented his defence (Enclosure No. 12)—the voluminous protest to which it refers, as well as other documents, not being material, are not enclosed.

On the 15th of December the survey on the "*Convenção*" was presented (Enclosure No. 13).

On the 20th of December the captor's proctor put into Court his accusation (Enclosure No. 14); and on the same day the Court also received a paper from the claimant's proctor containing remarks respecting the report of survey on the "*Convenção*" (Enclosure No. 15).

The case being closed on the same day, the British Commissary Judge *ad interim* gave in his judgment (Enclosure No. 16).

The Brazilian Commissary Judge presented his judgment on the 22nd of December (Enclosure No. 17); and on the 23rd the Court had recourse to arbitration; and the lot falling on the British Commissioner, he gave in his decision on the 29th of December (Enclosure No. 18), viz. that the vessel should be restored to her owner.

On the 30th of December sentence was signed in the customary form (Enclosure No. 19), decreeing the restitution of the "*Convenção*" and her cargo to her owner or master; but refusing to admit any claim for indemnity, inasmuch as the master, by endeavouring to escape from the sloop-of-war, increased her commander's suspicions, and contributed materially to the detention.

(Signed) ROBERT HESKETH.
FRED. GRIGG.

Second Enclosure in No. 177.

Declaration of Commander Christie.

I, PETER CHRISTIE, Esq., commander of Her Majesty's sloop "*Rose*," hereby declare, that on the 3rd day of December, 1841, being in or about latitude 23° 35' South, longitude 43° 7' West, I detained the brig "*Convenção*," sailing under Brazilian colours, commanded by Agostinho Fernandes Catanho, who declared her to be bound from Rio de Janeiro to Maceio and Pernambuco, with a crew of 17 men, whose names are inserted in the seized document No. 3; and I declare that I have detained the fore-mentioned brig, and have sent her to Rio de Janeiro to be brought before the Court of Mixed Commission there, for being equipped for the illegal traffic in slaves, there having been found on board the following, viz. :—

Water.—About 40 tons; a vast deal too much for a crew of 17 men, and nominally bound from Rio to Pernambuco, only a 14 days' run generally.

Casks.—About 90 pipes, without any certificate from the Custom-house, stating that security had been given that the casks should only be used for lawful commerce, in violation of the 5th and 6th Sections of all the Slave Treaties. The manifest mentions 75 empty pipes, and the whole were full.

Fire Wood.—An immense quantity, not mentioned in manifest.

Bricks.—Sixty-five discovered secreted under the fire-wood, which could only be intended for an extra fire-place.

Plank.—Several found in the hold; and the empty sugar-cases she has on board when shook would produce an ample supply of plank to complete a slave-deck. I have every reason to suppose that they were intended for that purpose, as the hold fore and aft over the water-casks was perfectly levelled and ready for laying the planks.

Crew.—Most of the men composing her crew are foreign subjects, contrary to the 6th Article of the Additional Convention of the 28th of July, 1817.

She has the description of binnacle generally used in slave-vessels to shut out the light when chased.

The vessel endeavoured in every way to escape me, both on a wind and off; the last five hours she

was running four points off her course, and I chasing her with studding-sails set low and aloft, and firing shot occasionally to make her heave-to, which she did not do until I got close enough to open fire of musketry upon her.

She is equipped in every way for carrying a cargo of negroes, except a boiler, which may have been thrown overboard, or may still be in the vessel. Some of her farinha, jerked beef, beans, and empty sugar cases, are mentioned in her manifest; but I consider her manifest as void; she has violated the Treaties in the use of her water-casks; and I have no doubt the whole of her cargo is intended for illegal purposes also; there is no further mention of them in any of her documents, and she has enough to run a cargo of 300 or 400 negroes.

In one of the private letters produced by the master, it is stated that fresh water was put into the casks, as it is not so detrimental to spirits as salt. This cannot be taken as an excuse. In the British Navy we have PRINTED INSTRUCTIONS invariably to put *salt* water into spirit casks, being *better* than fresh.

She has also the kind of mess-kids, and sucking-pumps for the mouth, which are only used in slave-vessels.

Given under my hand on board Her Majesty's sloop "Rose," at Rio de Janeiro, this 7th of December, 1841.

(Signed) P. CHRISTIE, *Commander.*

List of Crew.

Agosto. Ferns. Catanho	Antonio da Luz
Jozé de Almeida	Thomas Ferra.
Joaquim Baptista Camacho	Gabriel Franco.
Amaro Ferra. dos Santos	Antonio Ferra.
Antonio Franco.	Jozé Maria
Jozé Ventura	Joaquim d'Olivra.
Manoel de Outeiro	Jozé Pinto
Raymundo Franco.	Franco. Roiz
Luiz Jozé	

Third Enclosure in No. 177.

Declaration.

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 "*Convenção*," and we make the following statement, viz. :—

That, on going on board, we found in the hold a great quantity of water, farinha, beans, rice, jerked beef, and fire-wood; a sufficient quantity for this vessel to carry a cargo of 300 or 400 slaves.

Also 21 sugar-cases, which, if shook and laid over the water-casks (which are stowed as if intended to receive planks), would readily form a most complete and entire slave-deck.

We likewise discovered a number of bricks, mess-kids, or bucket and suckers, such as are generally used in slave-vessels.

Given under our hands on board Her Majesty's sloop "Rose," at Rio de Janeiro, this 7th of December, 1841.

(Signed) PATK. CAMPBELL, *Senior Lieutenant.*
JNO. HAYNES, *Master.*
AUGS. HOBART, *Mate and Prize-Master.*
J. QUINN, *Gunner.*

Fourth Enclosure in No. 177.

Declaration.

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 "*Convenção*," and we beg further to make this additional declaration, viz. :—

That the casks were stowed with such care and attention that they formed with the wood a complete level fore and aft her hold, upon which the sugar-cases, when shook, would form a slave-deck with the greatest facility.

Given under our hands on board Her Majesty's sloop "Rose," at Rio de Janeiro, this 7th of December, 1841.

(Signed) PATK. CAMPBELL, *Senior Lieutenant.*
JNO. HAYNES, *Master.*
AUGS. HOBART, *Mate and Prize-Master.*
J. QUINN, *Gunner.*
J. HAWES, *Carpenter.*

Fifth Enclosure in No. 177.

From the Examinations of five Witnesses.

FIRST WITNESS.

AGOSTINHO FERNANDES CATANHO DE VASCONCELLOS, a white man, 26 years of age, bachelor, Brazilian subject, a mariner, and now in command of the Brazilian brig "*Convenção*," being duly

sworn, answered as follows:—"That he sailed with that vessel from Rio de Janeiro on the 13th of September last, bound to Pernambuco, touching at Cotinguiba and Maçêio, but obliged by the leaky state of the vessel to put into Santos, from which port he sailed on the 13th of October last, but subsequently being dismasted, was forced to put into Rio de Janeiro, from whence he departed on his original destination on the 1st of December, and was detained about eleven on the night of the 2nd of the same month. That the articles on board were destined for sale at Cotinguiba, for which purpose they were consigned to a resident there, as will be seen by letters found on board.

"That there were on board 85 pipes, besides the water-casks belonging to the vessel; that all were filled with fresh water, to serve as ballast, and regularly stowed to prevent their rolling at sea, the object being to fill them with spirits or to give them in exchange for others already filled. That finding on his first departure from Rio de Janeiro, when the vessel had no other ballast than the water-casks, that she required some dead weight in her bottom, he put in ten tons of stone ballast on his return to Rio de Janeiro.

"That 65 fire-bricks were bought by him, before his first departure, to mend the fire-place, and that there can be no more than a small remainder left on board. That the empty sugar-cases were, like the pipes, destined either to be filled, or exchanged for full ones, saving thereby the price of new cases; and that there was no plank on board, except perhaps some of the case lids, which might have been loose.

"That the vessel had a binnacle like those in general use; that while it was daylight he was not aware that he was chased by the sloop-of-war, because, having headed the 'Rose,' he lowered and reefed his topsails, afterwards tacking and going more off the wind; that he perceived the smoke of guns, but he supposed that it was signals to other vessels in the distance; that his duty was to lay-to on perceiving a signal by gun to do so, and not to go out of his course, as merchant-vessels are inferior to men-of-war in sailing."

Being at this point questioned by the captor, who was present, and who obtained permission of the Court, the witness declared "That some vessels were in sight, but that he could not declare the number nor their rig, nor the distance they might be. That he tacked about half-past five in the afternoon, and it becoming dark soon after he did not observe the manœuvres on board the 'Rose.' That the sloop-of-war held a better wind than the brig, and on that account soon neared the 'Convenção.'"

In answer to further questions from the Court the witness further declared "That there was not any large boiler on board, nor was any thrown overboard; that there was nothing else on board except the cargo stated in the manifest; that having been sent, with all the crew, from the 'Convenção,' immediately after her arrival in this port, on board Her Majesty's ship 'Crescent,' he cannot be responsible for what may exist on board the brig, or be found in his absence, having on that account made out a competent protest, which he presented, and requested might be added to the process. That when the crew were matriculated at the Consulado they were there all considered as Brazilian subjects, although natives of Portugal, such being the practice when seamen do not produce certificates from their respective Consuls. That no bond was required when the empty casks were cleared outwards at the custom-house. That he (the witness) had made several voyages besides those on the coast of Brazil, the last being to Lisbon. That the owner of the 'Convenção' is Manoel Gonçalves Dias, who is not now at Rio de Janeiro, nor does he know the exact place of his residence; and that he, the witness, made all his agreements with the owner's agent, Thomas Ferreira da Silva Alvez. That at Santos the 'Convenção' was hove down at the Government dock-yard, and that the only repairs was caulking the seams about the bows, where leaks were observed at sea. That at Santos five tons of stone ballast were put on board, and that at Rio de Janeiro five additional tons of that ballast were also put on board, as the vessel required it. That the reason for putting into Rio de Janeiro after leaving Santos was the breaking of the foretop frame, in consequence of which both topmasts came down.

"That the only consignees of the provisions, which he recollects, are the consignees at Pernambuco, Amorim and Brothers; that the only letters he had on board were those found, without being sealed; that there were no invoices, nor any sea log, because, having only taken his point of departure at 6 P.M., and being detained at 11 at night of the same day, he had no time to begin a log, and besides, that it was not customary to keep a sea log in the Brazilian coasting trade; that the log kept by witness when he first departed from Rio de Janeiro, up to putting into Santos, and from thence to his return to Rio de Janeiro, is not on board, because it was left on shore at Rio de Janeiro. That he had two of his own nautical charts on board."

SECOND WITNESS.

Jozé d'Almeida, a white man, 45 years of age, married, Brazilian subject, a mariner, and now boatswain belonging to the Brazilian brig "Convenção," being duly sworn, answered as follows:—"That he had agreed to go as boatswain in said brig to Pernambuco, but the vessel having put into Santos for repairs, sailed from thence on her original destination, but being dismasted, put also into Rio de Janeiro for repairs, from whence she again sailed to her first destination, and was detained on the day after her departure; that in making his agreement to go in the vessel he was not informed that the vessel was going to Africa for slaves; that he would not have agreed to do so; that the casks are filled with fresh water, for ballast, and stowed in the customary manner; that there were no planks on board, and merely a few empty sugar-cases, which were sent to be refilled; that part of the stone ballast was put on board at Santos and part at Rio de Janeiro, because it was found that the water was not sufficient ballast; that he did not observe that Her Majesty's sloop 'Rose' chased the 'Convenção,' except when the former fired, and that the brig was then hove to; that the provisions were intended for sale at Pernambuco; that there were a few suckers on board, merely for the use of the crew; that he made his agreement with the master; does not know the owner, nor ever saw him on board; that he first came to Brazil 30 years ago, and afterwards went to Portugal to see his family, and returned a second time to Brazil about six years since; that he considered himself a Brazilian subject, because he had often been matriculated as such."

THIRD WITNESS.

Joaquim Baptista Camacho, a white man, 28 years of age, bachelor, a Portuguese subject, a mariner by profession, and now a "praticante" or navigator on board the brig "Convenção," who, being duly sworn, answered as follows:—"That he was on wages, and that the vessel was bound to Pernambuco,

CLASS A.

touching at Cotinguiba and Maçêio; that he never suspected that the vessel had any other destination than the said mentioned ports; that as to the provisions on board, he was unable to declare for what purpose they were intended, because that was only known to the owners and shippers; that nothing was thrown overboard while the sloop-of-war chased, and that in fact he did not know that a chase had commenced until he perceived shot fired from the sloop-of-war, when the brig was immediately hove to, and detained."

FOURTH WITNESS.

Raimundo Francisco, a white man, 22 years of age, bachelor, a Brazilian subject, a mariner, and now a seaman belonging to the Brazilian brig "*Convenção*," being duly sworn, answered as follows:—"That he agreed with the master of said brig to work as seaman on board on a voyage to Pernambuco, touching at Cotinguiba and Maçêio, for the sum of 30 milreis; that he embarked at Santos, and arrived in the vessel when she put into Rio de Janeiro; that he was eight years old when he first came to Brazil, being then a Portuguese subject; that the '*Convenção*' was five days in reaching Rio de Janeiro after she was dismasted."

FIFTH WITNESS.

José Pinto, a Brazilian subject, a white man, 22 years of age, born at Guimaraens, in Portugal, a bachelor, a mariner, and now a seaman belonging to the Brazilian brig "*Convenção*," being duly sworn, answered as follows:—"That he embarked on board this brig in Rio de Janeiro, after the damages to her masts and rigging were repaired, agreeing with the master to be paid 30 milreis as wages for a voyage from hence to Pernambuco, touching at Cotinguiba; that he has sailed in vessels bound to different Brazilian ports, to Spanish America, and to Portugal; that he has sailed in some vessels ballasted with water, one of them being the smack St. John, to Campos, and another bound to Pernambuco, the name of which he does not recollect."

The three first witnesses deposed on the 9th of December, and the two last on the 10th of December, 1841.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Sixth Enclosure in No. 177.

Manifest of the Cargo of the national brig "Convenção," bound to Pernambuco, Cotinguiba, and Maçêio, Agostinho Fernandes Catanho de Vasconcellos, master.

Rio de Janeiro, September 11, 1841.

ARTICLES AND QUANTITIES.

30 Empty Pipes.
80 Arrobas of Jerked Beef.
32 Barrels of Beans.
100 Bags of Farinha.
8 Ditto of Rice.
21 Empty Cases.
45 Empty Pipes.

(Signed)

AGOSTINHO FERNANDES CATANHO DE VASCONCELLOS.

Board of the Consulado, September 11, 1841.

This manifest agrees with seven clearances of Brazilian articles.

On behalf of the scrivener.

(Signed)

JULIO CEZAR MUZZI.

This 15th November, 1841.

(Signed) MACEDO.

Rio de Janeiro, November 15, 1841.

I declare that I have expended on board one barrel of beans, seven bags of farinha, one bag of rice.

(Signed)

AGOSTINHO FERNANDES CATANHO DE VASCONCELLOS.

This 17th November, 1841.

(Signed) MACEDO.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Seventh Enclosure in No. 177.

Copy of a Diagram produced by the Captor, proving particulars of the Chase.

Steered.

have

could

she

Course

7^h. 10 P.M.

8^h P.M.

9^h P.M.

9^h P.M.

8^h P.M.

10^h P.M.

10^h P.M.

7^h. 10 P.M.

11^h P.M.

11^h. 30 P.M.

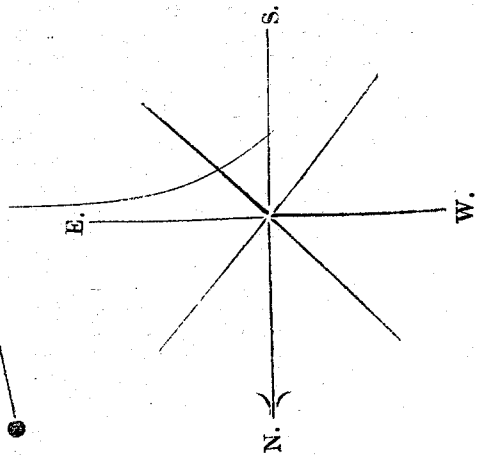
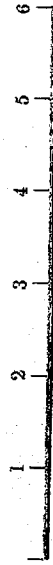
12^h. 30 A.M.

11^h. 30 P.M.

H. K.	F.	Courses.	Winds.
6	..	N. E. by N. $\frac{1}{2}$ E.	E. by S.
7	..	S. by E.	" "
8	..	" "	" "
9	..	South.	East.
10	..	S. by W.	" "
11	4	S. S. W.	" "
12	$\frac{1}{2}$	S. by E.	" "

N. B.—The Distances measured on the mile scale of 1 inch.
The Course on the half mile scale of $\frac{1}{2}$ inch.

(Signed) J. H.



The above is a diagram of the chase of the brig "*Convenção*" by Her Majesty's sloop "*Rose*," from the 6th hour p.m. of the 2nd, when she was about two miles and a half distant, till the capture at 12 h. 30 m. a.m. on the 3rd of December, 1841.

Remarks.—Between 5 h. 50 m. and 7 h. 10 m. "*Rose*" fired one blank and one shotted gun at signal for brig to heave to, which she took no notice of, but kept away two points free; 7 h. 15 m., fired another shot, brig still keeping more away; at 9 h., out reef, set royals, topmast, and topgallans studding sails; at 9 h. 30 m. set lower studding sail; 11 h. 30 m., brig a little on the weather bow, fired another shotted gun and several muskets, when the brig hauled to the wind; in studding sails and hauled up after her; at 12 h. fired two muskets, when the brig hove to; 12 h. 30 m. shortened sail and hove to alongside of her.

The master of the brig states that he was bound to Pernambuco. If his statement is to be credited, he ought to have been at least 12 or 14 miles to windward, and nearer his port than he was when captured, had he not run away to the south-west in endeavouring to escape from the "*Rose*." There was no other vessel in sight, and it was only through a very excellent night-glass that he was kept sight of after dark. There cannot be the slightest doubt that he expected the "*Rose*" to lose sight of him in the dark and thus escape.

(Signed) P. CHRISTIE, *Commander.*
JOHN HAYNES, *Master.*
PAT. CAMPBELL, *Lieut.*
A. HOBART, *Mate.*

Eighth Enclosure in No. 177.

(Translation.) *Tomas de Ferra. Alves to Senhor Agostinho Ferns. Catanho.*

SENHOR AGOST. FERN. CATANHO,

Rio de Janeiro, September 11, 1841.

ON the 13th instant, the weather permitting, you will put to sea in the national brig "*Convenção*," of which Manoel Gonçalves Dias is owner, and I am his attorney. Her destination, in the first place, is to Cotinguiba, where you will deliver the enclosed to Senhor José Teixeira da Cunha, as well as all the cargo, including the pipes and cases, the former to be filled with rum, and the cases for sugar; and you will require from him that, in conformity with former advices to him, he load the vessel immediately, but if in this he should meet with difficulty or delay (which is not to be expected), in that case you will go on to Pernambuco, and delivering also the enclosed (letter), with which you are already provided for Messrs. Amorim and Brother, they will without delay arrange a cargo either on (joint) account or on freight, inasmuch as what is wanted is despatch, in order that you may return in time to go on to Rio Grande to load again in the season of the preparing of the jerked beef.

I remain, &c.

(Signed) TOMAS FERRA. DA SA. ALVES.

(A true copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS,

Secretary.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Ninth Enclosure in No. 177.

(Translation.) *Tomas Ferra. da Silva Alves to Senhor José Teixeira da Cunha, at Cotinguiba.*

SENHOR JOZE TEIXEIRA DA CUNHA,

Rio de Janeiro, September 11th, 1841.

IN the absence of Manoel Gonçalves Dias, and in the capacity of his agent in this capital, I received yours of the 15th of July, in consequence of which I have resolved to send you the national brig "*Convenção*," Agostinho Fernandes Catanho master, with the pipes, cases, and other articles requested by you, regretting that it was not in my power at once to execute your order as to the quantity of pipes, and of empty sugar cases; the latter are sent empty, but the pipes I have ordered to be filled with fresh water, not only because the brig should be ballasted, but also because experience has shown that salt water decomposes and deteriorates rum.

From the abundant supply of both rum and sugar, which you report, I hope that you will cause the brig to return to me with all despatch, and with a good freight; and should the latter not be obtainable, you will, in such an event, load her on my account. Remaining at your disposal,

I am, &c.

(Signed) TOS. FERREIRA DA SILVA ALVES.

(A true copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS,

Secretary.

A true translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Junr.

Interpreter to the Commission.

Tenth Enclosure in No. 177.

(Translation.) *Tomas Ferra. da Silva Alves to Messrs. Amorim and Brother, at Pernambuco.*

GENTLEMEN,

Rio de Janeiro, September 11, 1841.

By unforeseen motives it has happened that Senhor Manoel Gonçalves Dias has been absent for some time from this place, leaving me as his attorney, and with authority to forward his business, which I am very desirous of doing. I now despatch for Cotinguiba, addressed to Senhor Jozé Teixeira da Cunha, the Brazilian brig "*Convenção*," belonging to my principal, laden with pipes and cases to be used there for rum and for sugar, and with other goods required by the said Cunha. I have scarcely a doubt that the brig will readily obtain a cargo there, nevertheless I have provided myself with dispatches for your place, begging of you that in case she should go thither, you will take charge of her, loading her with the utmost despatch, drawing upon me for any supplies that you may find it necessary to furnish.

I remain, &c.

(Signed) TOMAS FERRA. DA SA. ALVES.

(A true copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS,

Secretary.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Junr.,

Interpreter to the Commission.

Eleventh Enclosure in No. 177.

(Translation.)—*Tomas Ferra. da Silva Alves to Senhor Antonio Alves Monteiro, Macaio (Maceio).*

DEAR SIR,

Rio de Janeiro, September 12, 1841.

BEING about to despatch for Cotinguiba the national brig "*Convenção*," of which Agostinho Fernandes Catanho is master, consigned at that place to Jozé Teixeira da Cunha, in order that he load her quickly with rum and sugar, for which he already takes the pipes and cases; but wishing to provide (against casualty), I have given orders that in case, on any account, he should not be able to effect his cargo there, that he should go on to your place, wherefore I request of you, in the name of her owner, Manoel Gonçalves Dias, that you take account of the same and attend to her cargo, being at liberty to draw upon me for any disbursement.

I remain, &c.

(Signed) TOMAS FER. DA SA. ALVES.

(A true copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS,

Secretary.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Twelfth Enclosure in No. 177.

(Translation.)

*Defence by Claimant's Proctor.**Rio de Janeiro, December 13, 1841.*

Illustrious Members of the Mixed Brazilian and English Commission,

A SECOND detention, as illegal and unjust as the first, has just been made by P. Christie, Esq., Commander of the British corvette "*Rose*."

He began by the Brazilian brig "*Nova Aurora*," which, notwithstanding all his efforts, was by the sentence of the Court declared not good prize, and ordered to be restored to her owners, with a right to claim indemnities; in that case I was likewise the advocate for the defendants.

Your decision as regards the Brazilian brig "*Convenção*," being Mr. Christie's second detention, and the reason of my appearing this day in your presence as advocate for the owner, Manoel Gonçalves Dias, will, without doubt, prove the same as the "*Nova Aurora*."

The brig "*Convenção*" has for some time sailed under the Brazilian flag, and belongs now to Manoel Gonçalves Dias, a subject of His Imperial Majesty. She has made several voyages on the Brazilian coast, to the coast of Africa, and to the Portuguese islands, and has never been suspected of being employed in smuggling or illicit trade. Her owner obeys scrupulously the laws of the empire, and has never merited censure or punishment for disobedience or infraction of them.

Intending to send his brig to Cotinguiba, as is seen by his letter, page 34, found on board at the time of detention, he prepared her, put on board the cargo contained in the manifest, page 24, also found on board, and which was lawfully despatched, as is seen by documents, pages 26, 27, 28, 29, 30, 31, 32, and caused her to proceed on her voyage for that port, consigned to Jozé Teixeira da Cunha, a merchant established there, whom he instructed by the above-mentioned letter, page 34, to fill with sugar the empty cases found on board the vessel and the pipes with rum, declaring that these were full of fresh water, as they could not go empty, as ballast was needful, and that salt water would spoil them for receiving the rum.

The written orders to the master, Agostinho Fernandez Catanho de Vasconcellos, at page 33, found on board, prove that she was bound to Cotinguiba, delivering to Cunha there the pipes and sugar cases belonging to the owner, and to other persons the articles consigned to them, and receiving from the

same Cunha with every despatch the sugar and rum for his return; and in case any obstacles or inconveniences should arise by which he might not be able to load the vessel there, he was then to proceed to Maceyo, taking with him the letter, page 35, or to Pernambuco with that at page 36, for Amorim Brothers of that place, receiving there the sugar and rum, and returning with all possible despatch to Rio de Janeiro, so as to be in time to proceed to Rio Grande for jerked beef, shipping even cargo on freight, in case that the articles ordered on account could not be shipped.

Provided with the passport, page 17, containing all due declarations, and signed by his Excellency the Minister of Marine, Marquis of Paranayva, with the muster-roll, pages 18 and 19, and manifest, page 24, the brig "*Convenção*" sailed from Rio de Janeiro about the middle of September, and in the course of a day or two she met with such bad weather and heavy sea, that she was obliged to look out for a port to repair at, as she was completely dismantled; she then shaped her course for Santos, where she arrived on the 24th leaky, the captain making his regular protests, which, after passing through all the forms of law, were judged legal, and as such declared by the sentence of the proper judge, who delivered it to the captain to save him from responsibility, and he sent it to Rio de Janeiro, and it is now added to this defence with a view to strengthen it.

It is here just to observe that at the time the brig was going into Santos, she was met by a British man-of-war cutter which was cruising there, examined by her, and allowed to proceed on her voyage after the commander of the cutter was convinced that there were no indications of her being destined for an unlawful purpose. Captain Catanho has declared this in his depositions, as you, Gentlemen, may see. The brig underwent some repairs at Santos, as is seen by the protest hereunto annexed, and when they were concluded, considering the vessel entirely ready for the voyage, sailed thence on the 12th of October for Cotinguiba, bringing with him the despatch, page 22, from the inspector of the custom-house at Santos, directed to that of Pernambuco and Cotinguiba, and also the document, page 21, and the manifest of the cargo, page 23, and declaring the cargo to be the same as that shipped at Rio de Janeiro, not having either landed or loaded any cargo at Santos, the port of refuge.

Unfortunately, however, she was again obliged to seek refuge, contrary winds still impeding her progress, and the repairs undergone in Santos not being substantially completed, the brig "*Convenção*," again put into Rio de Janeiro; thus, after sailing from Rio de Janeiro on the 13th of December for Cotinguiba, and having been forced by bad weather, high seas, and contrary winds into Santos, having been as stated boarded by a British cutter off Alcatrazes, the "*Convenção*" was ultimately obliged to return to the port of her departure without reaching that of her destination, and document No. 20 proves this fact.

After being thoroughly repaired, refitted, and put in order, the brig again sailed for the port of her original destination, Cotinguiba, on the 1st of December, taking the same cargo, neither more nor less, the same papers, the same documents, with the addition only of the despatch, page 25, from the administrator of the Consulado at Rio de Janeiro for that of Pernambuco, as, owing to the delay, there was every probability, and almost certainty, of the vessel going direct to Pernambuco. Bad luck attended this voyage. Having had a bad beginning, the end could not be good, according to the doctrine of fatality.

Notwithstanding which, Tomas Fernandes da Silva Alves, proctor for the owner, ordered the vessel to sail again for her destination. This vessel had up to this period been impeded in her regular voyage towards her first destination by heavy seas, contrary winds, and tempestuous weather: you will now see, Gentlemen, that men also thought themselves bound to combine with the elements.

On the 2nd instant the brig "*Convenção*" fell in with the corvette "*Rose*," was by her detained, and again brought to Rio de Janeiro, subjecting her to your cognizance to judge her as members of the Mixed Brazilian and English Commission, under a pretext that the articles found on board her by the captor convinced him that the brig was intended to be employed in the traffic of slaves. What are the articles that so convinced Mr. Christie that the brig was proceeding for the abominable traffic of slaves? Let us examine them also, let us find out the suspicions of the captor, and thus make the defence of the brig, declaring from this moment that the articles found are those of the cargo of which we have already spoken, and which are declared in the above-mentioned manifest at page 24.

The captor declares in the first place, that he found on board 90 pipes full of fresh water, and considers them in violation of the 5th and 6th sections of all Treaties, besides being more in number than was mentioned in the manifest, which only declares 75, and these empty, being in want moreover, according to the captor's opinion, of a document to show that security had been given that those pipes were destined for lawful trade.

It is necessary to rebut these suspicions of the captor. The difference between 75 pipes mentioned in the manifest and 90 that were found, that is 15 pipes, is not a reason for suspicion, for everybody knows that all vessels have a certain number of pipes for their own use which are never manifested, being carried with water for the use of the crew, and which are never landed even on the arrival of a vessel at a port, but are kept on board, and it is owing to this circumstance and for this reason that manifests never mention those pipes; and in the present case the pipes being 15, it is clearly seen that they were for the use of the brig, and therefore the remaining number of 75 pipes agrees with the manifest, and thus it cannot be considered, as the captor says, that there existed more pipes than there ought to have been; and this being the reason for his suspicion, it is destroyed by these observations.

The fact of the pipes being full of fresh water, and not empty, as is specified in the manifest, or filled with salt water, as Mr. Christie says is ordered in the instructions given to the English vessels of war, does not constitute a motive for suspicion; in the first place, the pipes were filled with fresh and not with salt water, because it is a current and certain opinion in Brazil that rum put into casks which have had salt water is spoiled and damaged, and this opinion is well founded, as is proved by examples of daily occurrence, and it is of no consequence that British subjects may think the contrary, or that their Government should order the contrary in its instructions.

The Brazilian Government not having bound itself to carry salt and not fresh water, the latter may be carried as lawful, besides preventing the deterioration of the rum; in the second place, the pipes were taken full and not empty, because they served as ballast for the ship, which they could not do if empty, and the vessel taking little cargo was in need of them; thirdly, they were not declared or despatched as filled with water, but as empty, because in Brazil water pays no duty, and may be shipped at any time without a despatch; the pipes were shipped empty and afterwards filled with fresh water for ballast, as it is the custom in the port to fill the pipes on board, and not in the stores on shore; besides, these pipes having served for sundry liquids, and being destined for rum, filling them with salt

water would have spoiled it: fourthly, the want of a document of security for carrying the pipes is no reason for suspicion, because this is not the custom in Brazil in any of the public departments, nor does the special Treaty between Brazil and Great Britain oblige us to that, and the general Treaties which the captor refers to in his declaration are not to regulate the case, but merely the Treaty existing between Brazil and Great Britain. It is necessary here also to refute the commander's suspicion arising from the stowage of the pipes in such good order fore and aft, as that they might be used for a slave-deck by laying over them the boards of the cases when shaken. I never suspected that from so simple a thing suspicions might arise. If the pipes were destined for ballast, were they not to be stowed in good order? Ought they not to run regularly fore and aft? If the boatswain, whose duty it is to stow the cargo, had not stowed these pipes properly, he would not have done his duty, and would have shown himself ignorant, and might even have endangered the safety of the vessel, which is always insured by regular stowage, and so it is with the pipes.

From the number of pipes, their contents, want of a document, and stowage, no suspicion can arise; on the contrary, there is a presumption and indication in favour of the lawful voyage of the brig. The second motive for detention is the great quantity of firewood, and 65 bricks discovered under the same, which the captor says he found concealed. Neither one thing nor the other can be of use to the captor, as we proceed to show.

There is not such a large quantity of firewood as the captor says. There was enough for a voyage to Pernambuco, which sometimes takes from thirty to forty days; it was only as much as he wanted for the service of the vessel, as well as for the stowage of the same pipes; and every body knows that it is used in stowage; besides, it is no crime in Brazil to carry firewood, and from its existence on board no suspicion can arise that the vessel was employed in the Slave Trade—so much so, that the existing bill, called bill of indications, does not speak of firewood as one of them, mentioning merely the finding of boilers, irons, tubs, kids, and other objects, of which none were found on board of the brig "*Convenção*;" and from this the necessary conclusion is, that the suspicions of Mr. Christie are in opposition to those of the bill; he suspects on account of firewood, the bill has no such suspicion.

As to the bricks, it was the remainder of a quantity which were purchased at Rio de Janeiro when the vessel's galley was repaired, and those that remained were not certainly to be thrown overboard, and were kept for when they might be wanted; the finding of the bricks also not being one of the indications of the bill, it having merely the honour of being a suspicion of the commander of the corvette "*Rose*."

The third suspicion of the captor is founded on there being sundry boards of shaken (sugar) cases in the hold of the vessel, and that the cases which are declared to be destined for sugar might be shaken, and the boards being laid on the top of the pipes would make a complete slave-deck for slaves. Certainly such a suspicion is entirely imaginary. How is it possible, from a simple and lawful act, to argue and draw an unlawful and criminal conjecture or consequence?

It is known that sugar and rum, imported from some of the northern ports where it is cheap, leaves a profit when brought to this market, and empty cases are regularly and lawfully despatched to bring the former. Everybody knows likewise that empty sugar cases and pipes are much cheaper at Rio de Janeiro, and are used, as in the present case of the brig, as ballast. Some of the cases may break, and from this a conclusion is drawn that such sugar-cases can be shaken, and thus fit to be run over the pipes for the purpose of a slave-deck. This certainly is attributing to the most innocent facts the most criminal intentions, when it is a known and current principle and doctrine in all civilised nations, not only in the Brazilian legislation, but even in that of Great Britain; and by referring to Blackstone and other authors of criminal codes, it is seen that facts constitute crime, that facts alone are criminal, and when a fact, such as that of carrying empty sugar cases, is lawful and innocent, no one has a right to suppose or guess the intentions of another. The very bill itself, by which the commander of the "*Rose*" ought to have regulated himself, though it is not applicable to Brazil or Brazilian vessels, speaks of slave-deck existing and made in the vessel, and not on the supposition that some pipes well stowed, with sugar-cases, might make a slave-deck. Here we have all the foundation for the suspicion respecting the boards, which are merely some sugar-cases broken by the rolling of the vessel; thus this indication is reduced to nothing.

The fourth indication is, that the greatest part of the crew consists not of Brazilian subjects, but of foreigners, which, according to the opinion of the captor, is in violation of the 6th Article of the Additional Convention of 1817. Where did Mr. P. Christie find out, so as to be able to assert it, that the greatest part of the crew are foreigners? Without doubt from his imagination; because by the muster-roll, page 18, and list of crew, page 19, it is clearly proved that the crew is formed of Brazilian subjects, and the principal proof of this is, that this vessel has the muster-roll and passport as Brazilian on account of more than two-thirds of her crew being Brazilian subjects. This is the law and the positive orders of the Consulado (Export Office), and it is publicly known that this order is strictly executed. The muster-roll says Brazilians; the want of truth on the part of the commander of the "*Rose*" is owing to his observing that the greatest part of the crew were born in a foreign country; he does not know that we have adopted and naturalized Brazilians, and thinks that as they were not born in Brazil they cannot be Brazilians.

The ignorance of Mr. Christie as to the political constitution of the empire is the cause of his want of truth, or rather of his mistake, and caused him to form his fourth indication from that circumstance.

The indication of the binnacle is no less to be wondered at, considered as the fifth suspicion of the captor.

In his affidavits he declares it to be similar to those used in vessels employed in the Slave Trade, being fitted so as to hide the light when chased at night.

Such an indication is really laughable, not to say despicable and miserable. From the mere similarity a suspicion arises. Are the vessels employed in smuggling the only ones which use such binnacles? Are other vessels not allowed to use similar lights? and from the mere fact of using such a binnacle, is a vessel to be suspected and termed criminal? Such an indication does not even deserve the honour of a discussion.

We have arrived to the sixth indication, which is founded on the brig having been seen in the morning, and the chase beginning immediately, she tried to escape, and only hove to and allowed the captor to come alongside when fired at with musketry, having previously been fired at with guns. Did the commander expect that a merchant-vessel, though innocent, and employed in lawful trade, knowing his capricious wish to visit and without doubt detain her, would delay her voyage and pay attention to him? Does not

everybody know, at the present moment, the arbitrary acts committed on the high seas by the commanders of English vessels of war? Have they not brought, even before this respectable tribunal, many vessels, illegally detained, which the Commission has ordered to be restored to their owners? Were not the "*Pompeo*," "*Ricoperador*," "*Castro*," "*Nova Aurora*," and the galliot "*Alexandre*," released from the unjust detention which they suffered? Is it not known that the commanders of English vessels of war, though they should not detain the vessels which they visit and examine, insult the crew, unstow the whole cargo, giving immense trouble to stow it again? And how could the captor expect, that as soon as he made a signal to the "*Convenção*" to heave to, she would obey? In the meantime the current reports, false or true, of visits made by English vessels of war, of the brutal and insulting manner in which the cruisers behave themselves towards the visited vessels, cause terror; and all vessels, however innocent and employed in lawful trade, as soon as they see a British cruiser, try to escape, to avoid inconveniences and trouble, to avoid being insulted, and, finally, because he does not wish to lose his time, or even run the risk of being capriciously detained, when we have so many examples of this.

This is the manner in which the master of the "*Convenção*" behaved: he acted right; although innocent he tried to escape, because he knew that English cruisers are acting from capricious motives; it was not for fear, because he had already been registered by the cutter at the Alcatrazes, and he merely stopped when he could not avoid it, and from this very natural fact of his trying to escape no suspicion can be drawn of the brig being illegally employed, as the commander of the "*Rose*" extravagantly supposes.

The 7th indication rests on the finding of 32 barrels of beans, 8 bags of rice, 10 bags of farinha, and 80 arrobas of jerked beef, which, although legally despatched, as is seen, pages 26, 28, 29, and 32, are nevertheless indications, and cause suspicions to arise in the mind of the captor that these articles, being sufficient for a cargo of 300 or 400 slaves, could not be applied to any other purpose.

What a gratuitous suspicion of the captor! Who does not know that jerked beef and other articles are shipped from this for the smaller ports of the empire? How many examples have we of identical cases! Had not also the "*Castro*," "*Alexandre*," and "*Nova Aurora*" on board a greater quantity of jerked beef, farinha, &c.? Were they not acquitted? And was such a fact considered as an indication? Certainly not; and the suspicion that any other was the object in view, and that an unlawful one, cannot arise from an isolated fact innocent in itself.

The captor speaks likewise of having found kids and suckers, and supposes that not finding a boiler on board was owing to its having been undoubtedly thrown overboard, or perhaps to its being hidden. What kids, what suckers are these?—how many?—what number? Why does he not declare it? He might have found one, two, four, or six, but such a small number gives no reason for suspicion, because the vessel had a crew of 17 men; and every body knows that on board of ships the sailors drink water by means of suckers and use kids; but if a large quantity were found, this fact, joined with other circumstances of weight, and not with the miserable circumstances of this process, might give rise to suspicions.

I have completely and victoriously refuted all the points of the accusation, answered all the foundations for the detention, and nullified all the suspicions of the commander of the "*Rose*." We have merely to make a few observations to clear this brig entirely from all and every suspicion, and show as clearly as the light of day her innocence, as well as the purity and veracity of her destination. For which purpose I request your attention for a few moments longer.

We see by the protest of Captain Catanho, added to the process in the last pages, that when the brig "*Convenção*" was detained by the corvette "*Rose*," the captor took all his crew from him, and put some of the men belonging to the corvette on board the brig, and in this manner brought her to Rio de Janeiro, and she still continues in their charge, while the captain and crew of the brig have been sent from the "*Rose*," as prisoners on board the ship "*Crescent*."

As the brig remained in the possession of the captor, as no one belonging to her was allowed on board, and as it was the interest of the captor to get the brig condemned seeing that by so doing he would gain honours and money, who, as a sensible and impartial man, can assure us that if any objects of suspicion and crime should be found on board of the brig, that it was not the captor who put them there, he being sole master, and disposing of her as he chose? Such conduct is very reprehensible, and an abuse of authority. Thus a malevolent captor may turn the most innocent vessel into the most criminal, changing her crew, and putting objects on board fit for the Slave Trade. And without doubt the British Government itself will not allow such means of abuse to exist as the act of Commander Christie affords. Even allowing this, and arguing with such a fact—even allowing that some objects might have been found on board the brig, which happily was not the case—to the honour of Captain Christie—and that those objects were only proper for the Slave Trade, the mere circumstance we have just mentioned of the captor's having been left in possession of the vessel, taking from her her crew, and having the power, and being likely as an interested party to introduce such objects, saves the detained vessel from suspicion, and brings suspicions, and that shameful ones, on the captor. Besides, Captain Catanho in his protest declares that nothing suspicious existed on board, and protests against every thing there may be found.

It is necessary also to observe that the commander of the "*Rose*" deserves a reprimand for opening a despatch from the Administrator of the Consulate at Rio de Janeiro to the Inspector of the Custom-House at Pernambuco, breaking the seal, and reading the contents, adding it afterwards to the process. The instructions annexed to the additional Convention of 1817, which regulates the commanders of cruising vessels of war, do not contain any article giving them such right; on the contrary, it is the current doctrine of all nations, acknowledged and recommended by every legislation, that the secret of letters is inviolable, and that it is a crime to break the seal of a letter directed to another person. Notwithstanding this no respect is paid to this doctrine, to this principle of legislation, acknowledged by all nations, but more especially in Great Britain: he broke the seal, and opened the despatch, page 25, as is positively declared by Captain Catanho, in his protest of capture or detention, dated the 3rd of December. There is also another consideration of great weight: it is so clear that the brig "*Convenção's*" destination was regular and lawful, as her passport declares, that every time she was obliged to put into a port in distress, as we have mentioned in describing her voyage, she did not seek small ports or creeks on the coast, but Santos and Rio de Janeiro, where there are forms and safeguards, whereas, were he employed in unlawful traffic, he certainly would have gone into those small ports, and would never have come to Rio de Janeiro, or gone to Santos. By the protest made

in Santos, now added to this defence, and of which we have already spoken, it is clearly seen that Captain Catanho, not knowing whether the brig was insured or not, made his protest on putting into that port, whereas he made no protest for his having again put into Rio de Janeiro; for the vessel not being insured the agent for the owner did not wish to incur new expenses, as they would be useless.

These observations, and many others that you, Gentlemen, will consider, plainly show the unfounded, unjust, and illegal detention of this brig, on board of which there were not even found the objects mentioned in the bill, and that even had they been found on board, could not injure her, she being Brazilian property, and the bill being in the first place merely directed and applicable to Portuguese vessels, as is declared, and, secondly, that in case even of its passing in England that it should likewise be applicable to Brazilian vessels, such could not be valid amongst us, for it would want the concurrence and the acquiescence of the Brazilian Government, as it is an affair in which both countries are interested; no government being authorised, in conformity to public rights, to legislate for any except its own subjects.

Lastly, this vessel could not be visited, much less be detained on her voyage, by the corvette "Rose," in view of the existing treaties between the two Governments, Brazilian and English, for they alone ought to regulate this business.

The Treaty of 1815, accompanied by the additional Convention of 1817, and instructions of that date annexed to the same, previously agreed between the Governments of Her Most Faithful Majesty and the Cabinet of St. James's, and afterwards accepted and recognised between the Government of His Majesty the Emperor of Brazil and Her Britannic Majesty by the new Treaty of 1826, it positively prohibits the commanders of British vessels of war from visiting vessels where they may not find just motives for suspicion (5th Article of the Convention and 1st of the Instructions), as also it prohibits the detention in case of their not finding slaves on board for the traffic (Article 6th of the above-mentioned additional Convention); and this detention cannot be made under any pretext whatever, as is determined in the 1st Article of Instructions for the cruisers.

Now it is clearly seen by these treaties the illegality of the detention, and it ought never to have taken place, as there were not slaves on board, and the brig ought not even to have been visited, she not having any just or reasonable motives of suspicion, and therefore, for this reason alone, the vessel ought to be released, and delivered to her owner, condemning the captor to pay indemnities.

In the face of such strong arguments as I have had the honour of laying before you, Gentlemen, I hope that, as in the case of the "*Novu Aurora*;" Mr. Christie will be unfortunate in his detention of the brig "*Convenção*;" that she will not be adjudged good prize; ordered to be delivered to her owner, with a right to claim indemnities, for all of which I now protest and ratify the protests of Captain Catanho.

In adjudging the detention of the brig unjust you will do justice.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

A true Translation.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Thirteenth Enclosure in No. 177.

(Translation.)

Report of Survey.

Rio de Janeiro, December 15, 1841.

In conformity with the order of the Brazilian and British Mixed Commission Court, I went on board the brig "*Convenção*," captured by Her Majesty's sloop-of-war "Rose," accompanied by the captor's proctor, Joaquim Jozé Teixeira Penna, the master of said captured brig, Agostinho Fernandes Catanho de Vasconcellos, being also present, and also the prize-master Augustus Charles Hobart, together with the subscribed witnesses; and the proctor on behalf of the detained brig, Joao Manoel Pera da Silva, not appearing, those present proceeded to examine the articles on board the captured brig, and the result is as follows:—We found 90 pipes filled with fresh water, 48 bricks, 100 bags of ordinary farinha, 80 arrobas of ordinary jerked beef, 21 empty sugar-cases, the lids of which were loose, 32 barrels of ordinary beans, being besides mixed, 10 bags of rice, 4 suckers; there also exists on board a ledge on both sides of the hold, running fore and aft, at a distance of 2 feet 9 inches from the deck, including in this space the thickness of the beams and knees, of from 4 to 8 inches.

And to the end that it may be known as the truth, I have drawn out the present, and signed it with the witnesses above declared.

The Marshal of the Mixed Commission Court.

(Signed)

THOMAS B. HUNT.
JOAQUIM JOAO TEIXEIRA PENNA.
AUGUSTUS C. HOBART. *Officer in charge.*
AGOSTINHO FERNANDES CATANHO DE
VASCONCELLOS.

Witnesses,
WILLIAM HIGGINS.
WILLIAM FIX.
JOSEPH RIDGON.

A true Translation.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fourteenth Enclosure in No. 177.

(Translation.)

Accusation by Captor's Proctor.

To the Members of the Mixed Brazilian and English Commission.

THE case of the Brazilian brig "*Convenção*," Agostinho Fernandes Catanho e Vasconcellos master, is now brought for adjudication; Manoel Gonçalves Dias, who is unknown, appearing in it as owner, and Tomas Ferreira da Silva Alves styling himself the owner's agent; and, that this Commis-

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sion may decide with a perfect knowledge of the case, we, on behalf of the captors, lay before you, Gentlemen, the motives which justify this capture.

The brig appears as cleared out for Pernambuco, touching at Cotinguiba and Maceyo: her cargo consists of 75 pipes, despatched as empty, and which were found on board full of fresh water; 60 arrobas of jerked beef, 8 bags of beans, 100 bags of farinha of Mandioca, 21 empty sugar cases: from the letters found on board open, that is without seal or wafer, it is seen that she was destined to return with rum and sugar, purchased with the proceeds of the beef, beans, and farinha; this is the purport of the letters, but this is enough to show the fraudulent destination of the vessel, and the most positive and direct indication of her unlawful commerce.

Before entering into the question of the criminality of the vessel, it is necessary to establish the meaning of a part of law very essential for the decision of this question; it is necessary to decide whether it is lawful, under actual circumstances, to capture and condemn vessels for the mere suspicion of being employed in illicit Slave Trade.

The merits of the case itself ought to decide this question, in conformity to the Treaties; and that we may examine it properly, we will quote the 2nd Article according to the Treaty of the 23rd of November, 1827, viz.:

“His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, deeming it necessary to declare the engagements by which they hold themselves bound to provide for the regulation of the said trade till the time of its final abolition, they hereby mutually agree to adopt and renew, as effectually as if the same were inserted word for word in this Convention, the several articles and provisions of the Treaties concluded between His Britannic Majesty and the King of Portugal on this subject, on the 22nd of January, 1815, and on the 28th of July, 1817, and the several explanatory articles which have been added thereto.”

Article the 3rd.—“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 the 28th of July, 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.”

To fix the meaning of these articles we must consider that previous to this Treaty the (Slave) Trade was partly allowed, that is to the southward of the Line, and which being, by this Treaty, totally abolished after three years, the said commerce being permitted during that period, it was thought convenient by the sovereigns to continue to regulate it during that time, for which purpose the anterior Conventions were re-established, to the end that it might not be understood that the Treaty permitted three additional years of the commerce without the anterior restrictions, and it is for this reason that, in the above-mentioned article, as is said, “deeming it necessary to declare the engagements by which they hold themselves bound to provide (N.B.) for the regulation of the said trade until (N.B.) the time of its final abolition,” &c., which clearly demonstrates that the dispositions of those Treaties, their conditions, and the circumstances therein required, were adopted merely to regulate the obligations during the time when the trade was still permitted “until the time (N.B.) of its final abolition,” and for that reason, now that the trade is quite abolished, and the commerce of slaves is not permitted under any circumstances, the conditions required by the former Treaties, Conventions, and Regulations have expired, and it is not necessary for the capture of any vessel that slaves should be on board, it being quite sufficient that indications should prove that she was or had been employed in the commerce of slaves; for the contrary would be allowing the trade, with the only condition of not being met with slaves on board, this being an absurdity as contrary to the letter of the 1st Article of the Treaty, which not only totally abolished the trade, but also declared the persons concerned in it guilty without any exception, and for that reason the mere fact of the vessel becoming suspicious is a lawful motive for the capture; and the indications of her being destined for such commerce are sufficient proof for the condemnation.

Now if, by what has been demonstrated, it be sufficient that indications proving that the vessel was destined for the prohibited commerce of slaves would make her capture lawful, it is clear that that of the brig in question was lawful; and although we have not sufficient time to examine the vessel, so as to discover concealments on board, and where more positive proofs of her illicit commerce might be found notwithstanding this, the proofs which they could not conceal are more than sufficient for her condemnation.

How is it possible to believe that the vessel would take 75 pipes of fresh water from Rio de Janeiro for Cotinguiba, a voyage of 8 days? How is it possible to believe that she would carry empty cases to be filled with sugar at the northern ports? If the vessel was destined for the ports which are indicated, to bring sugar and rum, had she any need of carrying pipes and empty cases? Where is sugar kept at the northern ports—on the ground, or in boxes and barrels? Where is rum kept—in pipes or in tanks? If it is in pipes, and thus constantly sold, and if the sugars are in cases and barrels, and are sold in that state, for what object were these pipes and these cases going? Is not this trifling with the sense and justice of the Commission? How is it that the vessel departing, in order to load with sugar and rum to the amount of a few contos of reis, should take as cargo 100 bags of farinha of Mandioca, 8 of beans, and 80 arrobas of jerked beef? Is it with the proceeds of this pretended cargo that it was meant to purchase 21 cases of sugar and 75 pipes of rum? The cargo, which could hardly produce the amount of 804,000 reis, calculated at the highest, viz., the beans at 8,000 reis per sack, 64,000 reis; the farinha at 5,000 reis, 500,000 reis; the jerked beef at 3,000 reis per arroba, 240,000 reis, would suffice for the purchase of 21 cases of sugar and 75 pipes of rum, even calculating the same at the lowest price, viz., the sugar at 1,000 reis per arroba, on a case of 60 arrobas, the lowest price, and the smallest case would amount to 1,250,000 reis; the rum at 30,000 reis per pipe, to 2,250,000 reis. Could these articles be purchased with the proceeds of that insignificant cargo? Does this not seem as if they wanted to trifle with the reason and justice of the judges? Unfortunately they do it, and know the reason for doing it! Now the crew of the vessel in question are almost all foreigners, when, by the instructions of the 28th of July, 1817, vessels cannot be manned with less than two-thirds of free natives or slaves, as also that by the Treaty of 1827 with England, which is quite sufficient to prove the fraud of the speculation: it appears by the survey that the vessel carried wood, not only for a long voyage but also for the use of a great number of persons on board; the beans and farinha of Mandioca, as also the jerked beef, show by their quality that they were destined as food for slaves:

Under the fire-wood a quantity of bricks were found, sufficient to increase the galley when required: the vessel has the necessary chocks for receiving a slave-deck, for the formation of which the boards of the sugar-cases put on board, without any kind of stowage, were meant. Now, the vessel being prepared for making such a deck, the boards of the sugar-cases being for that purpose; there existing, moreover, 75 pipes with fresh water, which would be necessary for the use of the crew and slaves on board; there being likewise firewood for the use of a great number of persons in a long voyage; as also the bad quality of the farinha of Mandioca, beans, and jerked beef, considering the small quantity of these articles, clearly show that they were not destined for commerce, but for the maintenance of slaves: it is impossible, therefore, to doubt for one moment the criminal destination of the vessel, and the justice of her capture.

We are alluding to a crime not of a common but of a special nature, arising from premeditated and carefully combined and concerted plans; of plans where they diligently and carefully try to hide the true end in such a manner that it may not be found out: if, in such circumstances, we pay no attention to those facts which denounce it, and are in relation with the crime, it would then be necessary to declare such trade to be entirely lawful, as the fraud is sufficient to nullify the laws and treaties which prohibit and condemn it; but such things are not possible, and for that reason the condemnation of the vessel is the necessary consequence of her criminality.

Although the criminals took great care to conceal their destination, nevertheless they denounce themselves continually; the articles on board are the most exuberant proofs of her fraudulent destination; how is it possible to send empty sugar-cases and pipes of water, 100 bags of common farinha, 80 arrobas of common jerked beef, the beans in bad condition, to the northern ports, there being sufficient firewood, as also bricks to increase the galley, and the vessel having the necessary preparations for a tier or deck? These things show the fraud, and the captured offer still more proofs.

From the time of her capture public voice has denounced the vessel as the property of Manoel Pinto da Fonseca, and destined for the traffic in slaves; and this opinion has some foundation in the very power of attorney which appears in the process: it was begun in the name of Manoel Pinto da Fonseca, and afterwards changed for an unknown name—nobody knows who he is, nor where he resides. How is this fact to be explained? What connexion did the notary find between Manoel Pinto da Fonseca and the person calling himself owner and proctor for the vessel? How could the notary commit such a mistake between persons that pretend to be unknown, and strangers to each other? Does not this denounce a continuation, an accumulated fraud to cover criminal commerce? Is this not sufficient to prove such fraud? No person certainly, without being pre-occupied, will fail to see the criminality of the vessel in question; and the noble judges, being in the confidence of the two sovereigns, equally interested for the sake of humanity, will never allow that the laws and the solemn treaties may be with impunity evaded by such means; in a word reason and justice exclaim against such speculators.

In view, therefore, of the process and of what we have alleged, we hope that the said vessel will be adjudged a good prize, and condemned according to law, for which we refer to the learned commentaries.

(Signed, as Attorney) JOAQUIM JOZE TEIXEIRA PENNA.

A true Translation.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fifteenth Enclosure in No. 177.

(Translation.)

Remarks of Claimant's Proctor.

Rio de Janeiro, December 17, 1841.

Illustrious Members of the Mixed Brazilian and English Commission,

ON behalf of the owner of the brig "*Convenção*," I wish to add some further observations to the defence which I had the honour of presenting to you, Gentlemen, based on the survey which was made, and to request that they may be added to the process.

The survey declares that there existed a ledge in the hold on which to fix a slave-deck. But observing in the same survey that there was only 33 inches between the said ledge and the deck, including the beams and knees, it is seen that its height being no more than 25 inches after deducting 8 from the first number, it is therefore impossible to form a slave-deck in such a space, the thickness of the plank which might be used being still to be deducted from the said 25 inches. How was it possible to form a slave-deck in such a space?—It is impossible.

You, Gentlemen, will excuse these observations, which must naturally be made in proportion as new acts of accusation are brought forward.

(Signed) JOAO MANOEL PERA DA SILVA.

A true Translation.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Sixteenth Enclosure in No. 177.

(Translation.)

Vote of the British Commissary Judge.

Rio de Janeiro, December 20, 1841.

It appears from the process and depositions, that the brig "*Convenção*," Agostinho Fernandes Catanho Vasconcellos master, a Brazilian vessel, sailed from Rio de Janeiro on the 13th of September last, having on board, according to the custom-house manifest, 75 empty casks, 21 empty sugar-cases, 100 bags of farinha, 32 barrels of calavances, 60 arrobas of jerked beef, and 8 bags of rice, bound to Pernambuco, touching at Cotinguiba and Maceyo; but having put into Santos, as it is stated, for repairs,

she left that port on the 13th of October last for her original destination, putting again into Rio de Janeiro, in consequence, as said, of being dismasted, and after a detention of several days sailed a second time from this port on the 1st instant, on the original voyage to Pernambuco and the said two intervening ports.

At 7 A.M. of the 2nd instant, when about 60 miles from land, the "*Convenção*" was seen to windward by Commander Christie, of Her Majesty's sloop "*Rose*," which hauled up after her, working to windward for several hours, and about noon a chase commenced that continued until after midnight, during which time every exertion was made on board the "*Convenção*" to escape by altering the course; and finally, after midnight, the "*Convenção*" was boarded and detained, under the Convention of the 23rd of November, 1826, for the Abolition of Slave Trade.

It further appears that the 75 empty casks are filled with fresh water, and carefully stowed with a great quantity of firewood, and the vessel has besides on board 15 large casks, said to be for the use of the crew. The reason given for carrying this unusual supply of water, an article so indispensable in the transport of slaves, and so difficult to be obtained in some of the ports on the coast of Africa, is that the 75 casks were destined to bring rum from the northern ports to which the vessel was bound, and to serve as ballast. This reason is not very satisfactory: even were it the practice in the coasting trade to ship empty pipes to be filled with rum, that would not apply to the present case, in which they are filled with fresh water, an article which is purchased at this port; while, were they filled with salt water, every object which is pretended from the employment of the pipes would have been answered, and the suspicion which now attaches to the shipment would have been removed. However, the suspicion becomes stronger from the admission of the master and crew that the vessel actually took on board stone-ballast both at Santos and at this port.

The 21 empty sugar-cases, said to be intended to bring sugar, are perfectly suitable for furnishing boards to lay a slave-deck. I believe that it is not usual to ship empty sugar-cases to the northern ports; and were even the alleged object for the present shipment true, it seems to be very extraordinary that a greater number was not shipped, for 21 cases of sugar would be a very small part of a cargo for such a vessel as the "*Convenção*." The provisions found on board and manifested as cargo are of the lowest quality, and not such as are shipped for sale, but precisely of the description of those supplied to negroes; and moreover, the quantity of each of the articles corresponds with that usually required for a cargo of from 300 to 400 slaves, the number which might be carried by a vessel of the tonnage of the "*Convenção*."

But the real character of the voyage of the "*Convenção*" further appears from the three letters found on board, signed by the reputed agent of the owner, Tomas Ferreira da Silva Alves, and directed to persons said to be correspondents at Cotinguiba, Maceyo, and Pernambuco.

These do not give any specific instructions to the parties respecting the purchase of the alleged return cargo of sugar and rum; and not a word is said about the quantity, quality, or price of the articles to be shipped, or how funds were to be provided; therefore the only conclusion is, that these feigned instructions are made for the special purpose of covering the illicit trade in which the vessel was engaged; for had it been otherwise, the usual practice of merchants would have been followed, of mentioning the whole of the above particulars in a letter pretending to the character of instructions. Besides, there is no invoice or bill of lading for these provisions said to be sent as cargo for sale; and although these letters are found open in the possession of the master of the vessel, this was evidently for the purpose of supplying him with a ready answer when boarded at sea and questioned about the quantity of water on board; and in fact, there was so little truth in all these pretences as to the object of the voyage, that the master could not, when questioned, recollect the names of the consignees at Cotinguiba or Maceyo, but merely of that at Pernambuco. There are bricks on board sufficient for the construction of a fire-place; and further, it appears from the manner in which the pipes are stowed in the hold, and the circumstance that a ledge has also been found on board notched in such a manner as to be employed as a support for a slave-deck, it is evident that such equipments were not suited for a vessel employed in the coasting-trade. A vessel equipped as the "*Convenção*" is, could not avoid being detained if met with, whether on the coast of Brazil or in the middle of the ocean, by a British cruiser. It cannot be sustained that a vessel under the circumstances of the "*Convenção*" was not engaged in the Slave Trade because no slaves were found on board.

It is true that the 6th Article of the additional Convention of 1815 stipulates that no capture was to be made unless slaves were found on board. But, by referring to the 1st Article of the Convention of 1826 with Brazil, it is there expressly declared that no Brazilian subject shall be engaged in any manner whatever in the Slave Trade; and from the 2nd Article of the same Convention it is evident that the application of the 6th Article of the Additional Convention of 1815 was applicable only during the period of the licit trade, but the moment the trade was wholly abolished that Article did not apply.

It is not necessary to wait for the return-voyage of a vessel before it be determined what is the nature of the voyage, for if it appears to conviction that a vessel sails from a port of Brazil with equipments for the Slave Trade, the object of the voyage is equally declared as if she were returning with a cargo of slaves, and she is to be considered as equally engaged in the Slave Trade, and consequently trading in violation of the 1st Article of the Convention with Brazil of 1826; and the 4th Article of that Convention stipulates the appointment of Mixed Commissions, not restricting their operations to merely regulating the Slave Trade then tolerated, but for the execution of the purpose of the Convention.

Taking into consideration the circumstances under which the "*Maria Carlota*" was condemned in the year 1839, and finding that those of the present case are somewhat similar, I cannot but believe that the object of the voyage of the "*Convenção*" was to bring a cargo of slaves to Brazil; and if I had any doubt in this regard, the following circumstances relating to the conduct of the master, as well as that of the reputed owner of the vessel and of his attorney, under whom the master declared to act, would confirm me in my belief.

The master, notwithstanding all the circumstances attending his voyage, does not produce any log. He denied that Her Majesty's sloop "*Rose*" chased the "*Convenção*," when the diagram, with the naval officer's certificate given into Court, is conclusive evidence to the contrary. He declared that he did not know Manoel Gonçalves Dias, the reputed owner of the "*Convenção*," or even his abode; and that all his agreements were made with the owner's agent, Tomas Ferreira da Silva Alves, refusing also to specify the residence of this agent, who was moreover ordered to be summoned during the process, but could not be found, notwithstanding every inquiry, extending even to his proctor now acting in

defence of the "*Convenção*" before this Court with a power of attorney (not in the customary form) dated the 9th instant.

It may be here proper also to observe, that as neither the owner of the "*Convenção*" nor his agent can be discovered or satisfactorily ascertained whether residents or not, the inference is unavoidable that, in order to obtain the vessel's register, the Brazilian authorities have been imposed on with false documents.

The register declares that the vessel is foreign-built, and the muster-roll shows that all the crew, except the master and one man, are European born; and none of these Europeans having produced any authentic document proving that they are naturalised Brazilians, they ought to be taken as Europeans.

From all these considerations I am convinced that the "*Convenção*" had commenced a slave-trading voyage, covered for that illegal purpose with the assumed character of a coasting-vessel under the Brazilian flag. The real owner of the vessel cannot be found, and other persons who figure, the one as owner, and the other as his attorney, I consider to be men of straw.

Under all the circumstances mentioned, it is established to my conviction, that the "*Convenção*" was engaged in an illegal traffic, and which is especially provided against by the Convention of 1826; and therefore that the vessel with her appurtenances, and the cargo on board of her, be condemned as prize to Her Majesty's sloop "*Rose*," to be sold and disposed of according to the Convention.

(Signed) ROBERT HESKETH.

A true Copy.

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary*.

A true Translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Seventeenth Enclosure in No. 177.

Vote of the Brazilian Commissary Judge.

(Translation.)

Rio de Janeiro, December 22, 1841.

THE Brazilian Commissary Judge having to deliver his opinion in regard to the detention of the Brazilian brig "*Convenção*" by Her Britannic Majesty's corvette-of-war "*Rose*," declares that he should have no hesitation in agreeing with the reasons set forth by the British Commissary Judge *ad interim* for adjudging the said detention to be valid, if indeed they should be based on principles acknowledged and stipulated in the Treaty of the 23rd of November, 1826, between Brazil and Great Britain, and in the Additional Convention of the 28th of July, 1817, which constitutes an integral part of the same; but as there does not exist a single article declaring in what cases the cruisers of the two nations may detain vessels suspected of being about to be engaged in the African Slave Trade, nor which are the articles that, being found on board of such vessels, may be deemed an indication or proof of their (the vessels) being intended for such commerce, he cannot coincide with the ideas of his worthy colleague; and referring to the reasons which he (the Brazilian Commissary Judge) has already presented in an identical process—that of the barque "*Maria Carlota*," he will further proceed to analyse the circumstances of the brig "*Convenção*," and the want of grounds with which the Commander of the said corvette proceeded to detain her.

The Brazilian Commissary Judge, as he has stated, cannot admit that the English cruisers are authorised to detain any vessel sailing from the ports of Brazil, on the principles which he stated in his said vote in regard to the "*Maria Carlota*," namely, for want of special and positive stipulations for that purpose; but even if he were of a contrary opinion, he could never consider the brig "*Convenção*" as under circumstances of her being liable to be detained and put out of her lawful voyage.

This brig, the property of the Brazilian subject Manoel Gonçalves Dias, was recognised as such by the authorities of the country; she obtained an imperial passport for the being employed in the coasting trade, and having laden some farinha, jerked beef, rice, and beans, as also several pipes and empty cases, which had contained sugar, obtaining the regular clearances from the competent fiscal department, she sailed in the month of last September from this port for that of Pernambuco, touching at Cotinguiba and Maceyo, taking the pipes, full of fresh water, to serve as ballast.

In consequence, however, of having sprung a leak she was obliged to put into Santos, whence, having repaired her damage, she sailed for her original destination, with the same cargo with which she had left this port, having taken in there (at Santos) only some stone ballast, inasmuch as the Captain had found that that (the ballast) of pipes of water was not by itself sufficient for the good trim of the brig, and as was deposed by him and the boatswain. Immediately after sailing from Santos she received further damage in her masts, which obliged her to return to this port, where, having redelivered the mail which she had received from the general post-office when she sailed the first time for Cotinguiba, and having repaired this second damage, she finally sailed on the first of the present month for her destination, with the same cargo, and some additional stone ballast. On the following day, however, she was boarded and detained by the aforesaid corvette, being at the distance of hardly 60 miles from the shore, and in the proper course of her voyage. The English Commander, in his report presented to this Commission, alleges as the ground of that proceeding the finding on board of the pipes above-mentioned, which, though having been despatched as empty, were full of fresh water, but without bond having been given for the purpose for which they were intended; the beef and other articles on board; the cases, as being intended to be taken to pieces, and the boards to serve, on the top of the pipes, as a sort of deck for blacks; from all which he concludes that the brig in question was specially prepared for the Slave Trade, and violating the fifth and sixth sections of all the Treaties for the Abolition of the Slave Trade. The reference to these sections and treaties would of itself be sufficient to establish that the Commander of the corvette did not act in virtue of the stipulations with Brazil, but inasmuch as he understood that the regulations and the Treaties with other nations were also obligatory on the Brazilian nation; but the Brazilian Commissary Judge passes over this, to demonstrate also that the

brig in question, far from having afforded cause for detention, did not infringe any article of the Conventions between the Brazilian and the British Governments.

The brig was sailing with all the regular clearances; she had complied with everything required by the laws of the country, despatching the goods which she had on board, without being required to give the bond of which the captor speaks, inasmuch as there is no law requiring the same, or forbidding the conveyance of empty casks from one port to other ports of our coast, with the other goods which she was taking for sale, and the pipes to be filled with spirits, or exchanged for others already filled, as the Captain alleged, and as is to be inferred from the letters which were found on board. She had no boiler, irons, or other articles indispensable for the conveyance of blacks, and under these circumstances the proceeding of the Commander of the corvette "Rose" cannot be characterised otherwise than as a violence done to this vessel, on the grounds above mentioned, and on that of the want of bond as to the destination of the casks, confounding, perhaps, the last decree of the Portuguese Government with the articles stipulated with Brazil, the admitting of which, as also that a vessel in the state in which the "Convenção" was found, which had not then quitted the coast of Brazil, or the course of her lawful voyage, thus affording (ground for) suspicions that in fact she was intended for the illicit commerce, and might in that case be detained, would be the same as to decree the total abolition of our coasting trade and of the coast navigation.

Seeing what has been set forth, the Brazilian Commissary Judge cannot coincide with the reasons offered by his worthy colleague, inasmuch as even if they were admitted to be suitable for effecting the repression of the traffic in question, yet not being comprehended in any article of the Conventions referred to, as he has demonstrated, he does not deem himself authorised to adopt them, and he therefore adjudges the detention of the brig "Convenção" by the British corvette-of-war "Rose" to be unlawful.

(Signed) JOAO CARNEIRO DE CAMPOS.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Eighteenth Enclosure in No. 177.

Vote of the British Commissioner.

(Translation.)

Rio de Janeiro, December 29, 1841.

HAVING duly considered the proceedings in the present case of the "Convenção," and the facts and allegations adduced by the captor and by his attorney, as well as the depositions of the master and other witnesses, the allegations of the claimants, and the respective opinions of the Brazilian Commissary Judge and of the British Commissary Judge *ad interim*, and further, that no slave-irons were found on board, or are known to have been on board this vessel on the voyage in question, I am of opinion that the destination of the said vessel for Pernambuco and Maceyo, on lawful commerce, is credibly substantiated, and that the "Convenção," her cargo, and all her appurtenances be forthwith restored to the master and owners.

(Signed) FRED. GRIGG.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Nineteenth Enclosure in No. 177.

Sentence.

(Translation.)

Rio de Janeiro, December 30, 1841.

THE present proceedings being examined, it is seen that the brig "Convenção," the property of the Brazilian subject Manoel Gonçalves Dias, having been recognised as such by the competent authorities of the country, obtained an imperial passport on the 11th of September of the present year for the employing of herself in the coasting-trade, and that having laden some farinha, jerked beef of Rio Grande, rice, and beans, as also several empty pipes, and cases which had contained sugar, having previously obtained the regular clearances from the fiscal department, he sailed from this port, bound for Pernambuco, touching at Cotinguiba and Maceyo, in the said month of September, taking the pipes, filled with fresh water, to serve as ballast. That in consequence of her being somewhat leaky he was obliged to put into Santos, whence, having repaired this damage, he sailed for his first destination, with the same cargo with which she left this port, only taking in at that place some stone ballast, in consequence of the master having observed that the ballast of pipes of water by itself was not sufficient for the trim of the vessel at sea, as he and the boatswain deposed. That receiving immediately after leaving Santos some further damage in his masts, he was obliged to return again to this port, where he delivered to the general post-office the mail which he had received for Cotinguiba on his first departure, and that having repaired this second damage, he finally sailed on the 1st of the present month for his destination, with the same cargo and some additional stone ballast, and when he had scarcely reached the distance of 60 miles from the shore, and following the proper course for his destination, he was detained on the following day by Her Britannic Majesty's corvette-of-war "Rose," P. Christie commander, who brought him to this port, alleging as the grounds of such his proceeding the finding of the said pipes, without there having been given bond for the object for which were destined the jerked beef and other articles which he was taking, as also cases to be broken up, as he

(the captor) presumed, to serve above the pipes as a deck for the accommodation of blacks, concluding from all this that the brig in question was expressly prepared for the commerce in blacks, and liable to the 5th and 6th sections of all the treaties for the abolition of the traffic in Africans.

The citation of those sections and of those Treaties by itself would be sufficient to demonstrate that the commander of the corvette in such proceeding did not guide himself strictly by the stipulations between Brazil and Great Britain, inasmuch as it will be hereafter shown that the brig in question, far from having infringed any article of the existing conventions between the two nations, had infringed none of those articles, or even the laws and regulations of the country, inasmuch as it is proved that the said brig was navigating with a passport, muster-roll, and all the regular despatches; that she had complied with everything required by the laws of the country, despatching without objection through the competent department all the goods which she had taken, without her having been required to give bond in regard to the casks of which the captor speaks, mistaking perhaps the provisions of the last decree of the Portuguese Government on this head, inasmuch as there is no law requiring it (the bond), or forbidding the transport of casks, either empty or filled with water, from one port to other ports on the coast of Brazil, or that of the other goods which she was taking—the latter for sale at any of the ports for which she was destined, and the pipes and empty cases to be filled or bartered for others full of rum and sugar, as the master of the brig alleged, and as is inferred from the letters which were found on board of her.

Wherefore, seeing what has been set forth, independently of the reasons on which the Brazilian Commissary Judge has based his opinion, in regard to the want of special articles declaring which are the articles that, being found on board of Brazilian vessels, may be taken as proof that they (the vessels) were intended for the illicit traffic in Africans, and agreeing with the British Commissioner of Arbitration as to its being fully proved that the brig in question, "*Convenção*," was destined for a lawful and ordinary voyage, inasmuch as besides that the reasons which the captor had in view for her detention, there were found no boiler, irons, or other articles fit for the traffic in Africans, even after the examination which was made after the vessel had been brought to this port, as would be indispensable for the considering her as completely prepared for such a voyage, they (the Brazilian Commissary Judge and the British Commissioner of Arbitration) both adjudge her detention to be illegal, and order her to be released and given up to her owner, or to the master, with all her cargo and appurtenances, without their having a right to claim indemnities, inasmuch as, in conformity to the 8th article of the regulations for this Commission, the master of the said brig having endeavoured to escape from the corvette, when chased by her, contributed by this his voluntary fault to add to the suspicions of the commander of the same, to induce him to detain her.

(Signed) JOAO CARNEIRO DE CAMPOS.

Frederick Grigg overruled as to the releasing of the brig "*Convenção*."

(Signed) ROBERT HESKETH,

(A true Copy.)

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary*.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 178.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, January 17, 1842.

(Received March 14.)

MY LORD,

WE have the honour to state that some discussions having lately occurred in this Mixed Commission, in consequence of a paper which the British Commissary Judge *ad interim* presented on the 30th ultimo, having reference to the ownership of the brig "*Convenção*," and the decision on that case, which paper was inserted in the Minutes of that day's Session, with observations thereon by the Brazilian Commissary Judge, and the British Commissioner of Arbitration having also inserted in the Minute of Session of the 3rd instant his observations on the paper referred to, an explanatory declaration was then also made by the British Commissary Judge *ad interim* on the paper he at first presented, and thereby gave rise to all these discussions.

Under such circumstances we think it expedient to enclose, for your Lordship's information, copies and translations of such extracts of the Minutes of the Court as have reference to the four papers above-mentioned; and for our individual statements respecting this novel occurrence we humbly beg leave to refer your Lordship to our respective and separate Despatches, accompanying the present.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

Enclosure in No. 178.

(Translation.)

*Copy of some Articles of the Minute of Session of the 30th of December, 1841.**Rio de Janeiro, December 30, 1841.*

THE British Commissary Judge *ad interim* presented the following document written in English, which was immediately translated:—

Rio de Janeiro, December 30, 1841.

The undersigned, acting *ad interim* as British Commissary Judge in this Mixed Commission Court, under the Treaties for the abolition of Slave Trade, having delivered his judgment in the case of the Brazilian brig "*Convenção*," libelled before the Court for a breach of those Treaties; and his worthy colleagues intending to declare to-day their judgments on the same case, by decreeing the restitution of the vessel as one engaged merely in the coasting trade of Brazil:

And as, independent of the respective votes recorded in the process of the "*Convenção*," arguments have on both sides been adduced verbally, and which are not recorded in the Minutes of the Session, the undersigned feeling convinced, from an occurrence which he is now about to state, that an additional and undeniable proof is afforded that the vessel was engaged in Slave Trade, and had no other destination; and reflecting that when a case like the present, bearing such glaring proofs of the deception attempted by the pretext of a coasting voyage, is thus sentenced, a direct impunity and encouragement arises in undertaking Slave Trade adventures, under the mask of the coasting trade; and also feeling that to allow such impunity and encouragement is opposed to the professed objects of the Treaties, and to the purpose and end of this Commission Court, the undersigned presents this declaration of the occurrence above alluded to, and requests that it may be entered in the Minutes of to-day's Session; it is as follows:—

On leaving the Court yesterday a British merchant of this place accosted the undersigned in one of the principal streets, having for that purpose left a person with whom he was conversing, and asked the undersigned if it was true that the Mixed Commission had released the vessel belonging to the individual he had just left? The undersigned replying that it was expected that the vessel called "*Convenção*" would be released, asked in return the name of the individual, and was answered that it was Manoel Pinto da Fonseca.

This Fonseca is a notorious slave-dealer, and an extensive merchant in this place, at the same time that his ownership of the "*Convenção*" has been carefully concealed. These facts, which show the fallacy of all the arguments used in this case respecting the employment of the "*Convenção*" on a legal voyage, are moreover of such a nature, and brought before the undersigned in such a manner, that he conceives it due to this Court, as well as to himself, thus to record them.

(Signed) ROBERT HESKETH.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

The Brazilian Commissary Judge answered, that although he thought that after a decision had been come to relative to any process, no new allegations or reasons could be admitted, but only at the time of examining such processes, and without wishing to analyze the legality of the observations which are now offered by his worthy colleague the British Commissary Judge *ad interim*, after the sentence of the brig "*Convenção*" having been already pronounced, not pretending even to express to-day his opinion respecting it, as by mistake is inferred, he has not the slightest objection to the whole being inserted in the Minute of Session of this day, as is requested.

(Signed) JOAO CARNEIRO DE CAMPOS.

(A true Copy.)

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

(Translation.)

*Minute of Session of the 3rd of January, 1842.**Rio de Janeiro, January 3, 1842.*

THE British Commissioner of Arbitration requested that the following declaration might be inserted in the Minute of Session of this day:—

Rio de Janeiro, January 3, 1842.

In respect to the document presented to this tribunal by the British Commissary Judge *ad interim* on the 30th of December, 1841, I have to make the following observations:—

1st. It is, I believe, the constant practice and rule, in cases *sub judice*, to require the best obtainable evidence; and notwithstanding the very respectable testimony of the British Commissary Judge *ad interim*, that a British merchant, whose name is not declared, gave certain verbal information in the street on the specified occasion to Mr. Hesketh, which information, as it appears, would have an important effect on the process of the brig "*Convenção*," yet that the evidence of Mr. Hesketh on that head is not by itself (as regards its judicial character) equivalent to the testimony of the merchant himself, who, without doubt, would have given it in writing at the time if Mr. Hesketh had so requested.

It further appears to me, that any verbal testimony, however respectable its source, could not be duly received, and still less acted upon, unless received and registered on the oath of the party himself.

2nd. That the purport of that verbal information being that Manoel Pinto da Fonseca is the real owner of the brig "*Convenção*," and not Manoel Gonçalves Dias, cannot be held to controvert the evidence of the Imperial passport of the vessel, dated the 11th of September, 1841, signed by the Marquess of Paranagoa, Minister of Marine, declaring that the brig "*Convenção*" is the property of Manoel Gonçalves Dias.

3rd. That the presentation of the said document, in date of the 30th of last month, by the British

Commissary Judge *ad interim*, cannot be considered otherwise, in respect to the condemnation of the brig "*Convenção*," than as a blending of two incompatible offices,—namely, that of Judge in the Court of Mixed Commission, and that of an attorney or advocate before the same tribunal on behalf of the captor.

4th. That Her Britannic Majesty's Government having, after many endeavours, obtained from the Imperial Government the abolition of the right of embargoes, in the proceedings in regard to vessels adjudicated by the said tribunal, whether condemned or released, the necessary effect of the admission of further proof by either of the parties in the case of the brig "*Convenção*," after the Court had determined upon its sentence, and had ordered its Secretary to draw it up, for its due execution, would be to open a door to irresistible demands for the restitution of the ceded right in any future proceedings.

5th. That the present sentence of the tribunal was considered and settled by the Brazilian Commissary Judge, and the British Commissioner of Arbitration, before Mr. Hesketh left the Court on the 29th of December; and Mr. Hesketh having subsequently met the British merchant from whom he received the aforesaid information, it appears to me that it would be contrary to every rule of right, of equity, and of the practice established by the two Governments, to take into consideration or to receive any declaration as to further proceeding in the case of the brig "*Convenção*," on behalf either of the captor or of the claimant.

(Signed) FRED. GRIGG.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS,
Secretary.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

In answer to the observations made by the Brazilian Commissary Judge, and British Commissioner of Arbitration, upon the declaration presented in the Session of 30th December ultimo, the undersigned declares that the object of that exposition was not to alter a decision already given, but to record that that decision was immediately known, and brought to his knowledge the true owner of the vessel.

(Signed) ROBERT HESKETH.

The Session closed.

(Signed)

BRAZ MARTINS COSTA PASSOS,
Secretary.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS.
Secretary.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 179.

Mr. Hesketh to the Earl of Aberdeen.

Rio de Janeiro, January 15, 1842.

MY LORD,

(Received March 14.)

IN reference to the Despatch of this date, enclosing a Report of the case of the Brazilian brig "*Convenção*," I have the honour to place before your Lordship the following observations upon that case:—

The evidence and documents brought before the Commission Court have proved two facts connected with the intended voyage of the "*Convenção*," which clearly point out one of the methods pursued to evade the penalties decreed by the Treaties for the abolition of Slave Trade.

The first of these facts is, that the ownership of the vessel, though officially declared, is fictitious; the second, that the empty casks and sugar cases, as well as jerk-beef and various kinds of negro-provisions, though legal articles in the Brazilian coasting-trade, nevertheless bear such peculiar proportion to each other, besides their quality and the manner in which they were stowed away and shipped on board the "*Convenção*," that the object for which this selection of articles was made is apparent; and, according to my conviction, it is in evidence that Dias is not the owner of the "*Convenção*," and that her cargo is not a customary one for a Brazilian coaster.

With regard to the vessel's movements, it will be seen that a post-office certificate regarding the transmission of a mail by the "*Convenção*" for Pernam-

CLASS A.

No. 181.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, February 3, 1842.*

MY LORD,

(Received April 28.)

WE have the honour to acknowledge the receipt, yesterday, of your Lordship's Despatch, of the 30th of October, 1841, transmitting for our information five copies of a series of papers relating to the Slave Trade, presented to the two Houses of Parliament by Her Majesty's command.

(Signed)

We have, &c.
ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 182.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, February 4, 1842.*

MY LORD,

(Received April 28.)

IN reference to the Despatch of the 4th of December, 1841, we have now the honour to apprise your Lordship that our application, through Her Majesty's Legation, for the purpose of inducing the Brazilian Government to sanction some alterations in the forms of this Commission, principally relating to the manner of executing its sentences, has, we regret to state, totally failed in accomplishing such a beneficial object, notwithstanding the energetic co-operation of Her Majesty's Minister, as your Lordship will observe from the enclosed copy of Mr. Hamilton's reply to our suggestions.

The only point conceded and sanctioned by the Imperial Government is shortening the period of monition, but all the other forms which unnecessarily procrastinate the landing of liberated negroes, and which delay and injure the sale of condemned vessels, remain unaltered, and must, as heretofore, create much needless detention and expense in future cases.

(Signed)

We have, &c.
ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 182.

Mr. Hamilton to Her Majesty's Commissioners.

SIRS,

British Legation, Rio de Janeiro, January 29, 1842.

I HASTEN to put you in possession of the answer returned by the Imperial Government to the communication which I made to them of your memorandum suggesting certain alterations in the procedure of the British and Brazilian Mixed Commission Court, which you are of opinion would, in their adoption, go far to remove many of the delays and inconveniences which so much impede at present the usefulness of that Court. I regret exceedingly that its tenour should be so little conformable to the sound views of improvement which you have unfolded in the said memorandum, and, at the same time, so little in unison with the professions of the Imperial Government as to a cordial co-operation with Great Britain in her endeavours to suppress the Slave Trade.

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

(Signed)

I have, &c.
HAMILTON HAMILTON.

Second Enclosure in No. 182.

(Translation.)

*M. Aureliano to Mr. Hamilton.**Palace of Rio de Janeiro, January 28, 1842.*

THE Undersigned, &c., acknowledges the receipt of the note directed to him by Mr. Hamilton Hamilton, dated December 13, accompanying the copy of a proposal presented by Mr. Hesketh, the

British Commissary Judge *ad interim* of the Mixed Brazilian and English Commission at this Court, to the Brazilian Commissary Judge of the same Commission, proposing various alterations in the regulations observed up to the present time in proceedings of that Court, in the case of any Brazilian vessel being captured with African blacks on board, in order to facilitate the adjudication.

The Undersigned, after having weighed well the whole contents of the said proposal, and not referring to those points in which the Brazilian and English Commissioners have already agreed, has the honour to inform Mr. Hamilton, in answer, that the Imperial Government cannot agree with that part which refers to the Commission having whatever documents, informations, and certificates which it may require directly from the public departments and tribunals; the same Commission ought for this purpose to request them, by means of the respective departments of state, or on a requisition from its members or from its agents.

With respect, however, to making the surveys of which the said proposal treats on the vessels and their equipments, it is the opinion of the Imperial Government, that it should follow the method of intrusting them to the respective officers of the Marine Arsenal, because such surveys being ordered *ex officio*, nothing can be more expeditious nor more in accordance with the dignity and impartiality of the Commission, than that this service be made by officers of the said arsenal, accredited public officers in their respective professions, and being more exempt from suspicion than any other persons.

The Imperial Government cannot, in like manner, agree to the alteration in the execution of the sentences of the Mixed Commission, it having been established by the 'Aviso' of the 28th of August, 1821, that these sentences must pass through the Court of Chancery, it having also been previously ordered by the 'Alvara,' of the 26th of January, 1818, that they should be executed by the judicial authorities, and according to these dispositions such has been the constant practice without opposition up to the present time.

The Imperial Government does not, therefore, see the absolute necessity of dispensing with those formalities specified by the existing laws in this respect, neither can it be persuaded that any benefit to the object in view would arise from such alterations.

The Undersigned, replying in this manner to the note from Mr. Hamilton of the 13th of December last, gives the requisite solution to the points contained in the above-mentioned proposal, declaring at the same time that the Imperial Government is not disposed to agree to the adoption of measures which may tend to alter the practice followed in the Mixed Commission in respect to the subject in question, the same Government will, notwithstanding, contribute as much as it possibly can to the end that the said Commission may, in the manner in which it is at present established, properly fulfil the end which the two Governments, British and Brazilian, had in view in its creation.

The Undersigned takes this occasion, &c.

(Signed) AURELIANO DE SZA. E OLIVA. COUTINHO.

(A True Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 183.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, March 7, 1842.

(Received May 5.)

MY LORD,

WE have the honour to acknowledge the receipt this day of your Lordship's Despatch of the 15th of December, 1841.

It encloses, with reference to the correspondence 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, a copy of a Despatch from Lord Howard de Walden of the 13th of November, 1841, and of its enclosures, 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.

We beg leave to thank your Lordship for this communication, which we shall carefully bear in mind, in the event of any Portuguese vessels with documents furnished by M. Pluma being brought before this Court for adjudication; and we have thought it expedient to apprise our Brazilian colleagues officially of the purport of your Lordship's Despatch on this subject.

We have, &c.

(Signed) ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 184.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 3, 1842.

I HAVE received from you the Despatches, of which the numbers and dates are stated at the foot of this Despatch, on the subject of the brig '*Convenção*,' captured by Her Majesty's sloop '*Rose*,' Commander Christie, on a charge of Slave Trade, carried before the Mixed Commission at Rio, and released by order of that Court.

I have referred these papers, together with others which I had received upon the subject, to Her Majesty's Advocate-General.

I have now to acquaint you, for your information and guidance in cases similar to that of the '*Convenção*,' that the Queen's Advocate has reported his opinion, that under all the circumstances of the case, the Mixed Commission Court at Rio would have been justified in condemning the '*Convenção*' for being engaged in the illicit traffic in slaves.

But in expressing that opinion the Queen's Advocate was anxious to be understood as not meaning to convey the slightest imputation upon the conduct of Her Majesty's Commissioner of Arbitration for the part he took in decreeing the release of this vessel.

The Queen's Advocate is of opinion that the Commissary Judge ought not to have introduced into the cause the declaration made to him in the street, which (observes the Queen's Advocate) cannot properly be considered as legitimate evidence, but rather as hearsay only.

I am, &c.

(Signed) ABERDEEN.

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

Despatches above referred to.

- | | | |
|----|--|--------------------|
| 1. | Her Majesty's Commissioners to the Earl of Aberdeen, | December 23, 1841. |
| 2. | " do. | January 15, 1842. |
| 3. | " Judge to do. | " 15, " |
| 4. | " Commissioners to do. | " 17, " |
| 5. | " Judge to do. | " 17, " |

No. 185.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, March 31, 1842.**(Received June 10.)*

MY LORD,

WE have the honour to acknowledge the receipt this day of your Lordship's Despatch of the 31st of December, 1841.

It encloses for our information, with reference to Viscount Palmerston's Despatch of the 24th of May, 1841, to Her Majesty's Commissioners 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, a copy of a further instruction issued upon this subject on the 7th of December, 1841, 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 Brazil.

In returning our best thanks for such communication, we beg leave to assure

your Lordship that we shall carefully bear it in mind, and apply it, if requisite, in the course of our duties here.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 186.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, April 23, 1842.

MY LORD,

(Received June 7.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch dated February 28, 1842, approving of the communication which we made to the Brazilian Commissary Judge, suggesting certain measures tending to prevent delay and expense in the adjudication by this Commission Court of vessels captured with slaves on board. And while we have to express our gratification at receiving your Lordship's approval of the steps taken, we regret that they have hitherto proved unsuccessful.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 187.

(Confidential.)—*Her Majesty's Commissioners to the Earl of Aberdeen.*

Rio de Janeiro, April 20, 1842.

MY LORD,

(Received June 27.)

WE regret to announce to your Lordship the following occurrence in the Provincial Assembly of Rio de Janeiro, as it evinces the greatly increased and now most powerful influence of the slave dealers, and their determination to apply this influence in every possible way towards the destruction or evasion of any check to their nefarious pursuits.

In consequence of an article in the "Anti-Slavery Reporter," stating that a requisition would be made by the British Government to emancipate all the negroes imported after a certain date, that is in violation of the Slave Trade Treaties, one of the provincial deputies proposed a petition to the Imperial Government, strongly commenting on such a requisition, and declaring the determination of the Assembly to support by every effort the refusal of the Government to submit to such a measure.

The committee to which this petition was referred, reporting against such a course, and pointing out the impropriety of any petition, a warm discussion took place, in which Senhor Dias Motta and Senhor José Pereira da Silva supported the petition, and Senhors Alvares Azevedo, Mattoso da Camara, and Gomes de Menezes opposed it: on both sides the invectives and hostile feeling against the British Government were conspicuous; but the two deputies who supported the petition far surpassed their opponents in misstatements and exaggerations.

We have not time to forward by this packet translations of all the speeches, and have therefore only enclosed a translation of that delivered by Senhor Pereira da Silva, because, as he was hitherto the proctor for the claimants in this Commission, and consequently well aware of the true facts of every case he alludes to, the outrageous misrepresentations he has ventured on, for the sole purpose of exciting the bad feeling of the Brazilians, will be more apparent.

In fact the sole object of this virulent discussion is to threaten British interests with the hostility of the populace, hoping thereby to ward off any new and more efficient obstructions to slave-trading; and the enclosed translation of

an article in the "Sentinella da Monarchia" newspaper, describing and remarking on the discussion, confirms this opinion.

Much misrepresentation and exaggeration will probably be exposed and corrected as the question is debated, and the petition will doubtlessly be ultimately rejected; but the slave-dealers have gained a point; they have clearly shown their strength; for though the party opposed to the petition successfully used many arguments against it, not one opponent denounced the fact that the infractions of the Slave Trade Treaties daily increase, while the guilty parties enjoy the most favourable consideration of the Government. Such a state of things none have dared to adduce, keeping it by general consent out of view, because in truth all are more or less implicated in these illegal acts, and conceive that the generality of the guilt insures impunity.

This strong power of the slave-dealers is not surprising when there is an expectation that the Legislative Assembly will be dissolved soon after its meeting next month, and consequently that a new election will take place; because the chief portion of the electors are debtors to the slave-dealers, and consequently the latter feel themselves in a position to influence the Government; and it is certain they will profit by every advantage of such a position.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 187.

(Translation.) *Extract from the "Jornal do Commercio" of April 17, 1842.*

THE ENGLISH QUESTION.

THE discussion of the opinion of the committee appointed at the instance of Senhor Dias da Motta will, as it appears, still engage for several days the attention of the Provincial Legislative Assembly of Rio de Janeiro. Senhor Pereira da Silva delivered yesterday a speech which we here transcribe, and he is to be followed by Messieurs Gomes de Menezes, Loureiro, Gomes dos Santos, Dias da Motta, José Christino, Torre, and Julio Xavier.

Senhor Pereira da Silva.—"Senhor President,—It will without doubt surprise no one to see me take part in this discussion. When the subject is so weighty as that of the independence of the country and of our national rights—when principles are agitated, to the support of which I have constantly devoted myself, we must all contribute to the discussion, and more especially myself.

"Mr. President—If there be in this house, or in all Brazil (your Excellency will allow me so to say with a degree of pride), an individual who has reason to rejoice at the grand and beautiful spectacle presented this day by the Provincial Legislative Assembly of Rio de Janeiro, it is without doubt myself.

"Having constantly struggled during four years against the exaggerated pretensions, against the continued insults with which we have been assailed by the English Government—having been often alone in the arena, blaming the accumulated concessions made by our Government, either through fear or weakness, to the British Government—notwithstanding the labour, the fatigue, and the reproaches which I have endured, happily I have not been discouraged in the undertaking.

"Seeing now the will of so many added to my own—so many votes in unison with mine—hearing so many eloquent and energetic voices supplying strength to my weakness and timidity—observing so many efforts of such worthy Brazilians, who press to give extent and solidity to the chain of my efforts, how should I not rejoice, and what should not be my debt of thanks to my noble colleague, Senhor Dias da Motta, for having brought forward such a discussion?

"Senhor President—In such questions all Brazilians agree in their thoughts, their desires, and their votes: notwithstanding party spirit and (difference of) political opinions, we should all lay upon the altar of our country our ancient rancour and enmities. Let every personal consideration, every (difference of) political creed vanish! I could wish that this discussion were in the presence of all Brazil; that the walls of this house might expand, in order that the sentiments therein expressed might resound from one extremity of Brazil to the other, and unite and concentrate in a single thought those of every Brazilian, inspiring them with the idea of the true greatness and the true independence of the country, which we have to settle and support—of the true independence of the country, which is not merely independence of the old metropolis of Portugal, as we proclaimed it in 1822, but our real independence of all nations. Then I should have no fears; and, united around our young monarch, in whom we have everything to hope and to expect, and whose protection will not be withheld from us, we would go and present ourselves, as one man, and, strong and energetic in our rights, we would say to the English Government, It is enough; recede.

"Senhor President—The noble deputy, the chief secretary, laid before the house all the motives which induced him to present the requisition which he submitted to its consideration, and I, approving of all these motives, cannot omit to support the opinion given by him, which tends that the Assembly make a representation to the imperial throne. The committee named, consisting of persons in whom place entire confidence, adduces, however, against the representation motives, reasonable at first sight, but which, even on a slight examination, cannot fail to be deemed unfounded.

"What were the grounds which the noble and special committee presented for deeming that this

assembly should not send a message to the Imperial Government in regard to the object of the requisition of the noble deputy, the first secretary? These grounds were set forth by my noble and enlightened friend Senhor Mattoso da Camara. In the first place he thought that the representation was useless, inasmuch as it was without foundation, resting only on an article in an English newspaper of suspicious title, and not having the honour of being official.

“ Senhor President—If we were now occupied respecting any other nation than Great Britain—if the intelligence of an aggression on the part of any other European nation had appeared in any foreign periodical, I, Senhor President, should certainly say that the noble deputy, Senhor Mattoso da Camara, would be justified in saying that a newspaper article alone is not a sufficient motive for the assembly to reply, by a legislative act, to the allegation of the journalist.

“ But, Senhor President, besides that this article is not so much by itself, and so insulated, as it appeared to the noble deputy, we have to observe and appreciate in the question the conduct, the previous habits, desires, and interest of the government on whose part such exorbitant pretensions are exhibited. And here, Senhor President, it behoves me to say to my noble colleague that we in this discussion should speak with all freedom. If my noble colleague be of opinion that we ought not to ill-treat a friendly and allied nation, I, on my part, say to my noble colleague that the Government of Great Britain has no right to require us to treat it well when it, as respects us, has so much misused its force and superiority.

“ The power of right is such that, even when applied in cases of war, it is well defined and laid down by rules established and accepted by all nations. When public necessity requires that two nations have recourse to arms, and be at war, certain laws exist which ought to be faithfully observed. These rules and laws are the safeguard of human morality. And hence it was that among ancient nations, and principally among the Romans, the first and preliminary initiation of war was a public and formal declaration: ancient nations did not go to war without their having previously sent ministers of their religion to declare war: they deemed it cowardly and base to present themselves in the field against their adversary when he was not informed and prepared. In modern times nations follow the same law: in place of ministers of religion, diplomatists, clothed with a character of privilege, are those charged to declare war with all formality. It is only thereafter that hostilities should commence, being in reality exceptional cases.

“ Only one European nation has hitherto deviated from the rules and laws established by all nations; one only nation of Europe has thought herself superior to those rules and laws, to the extent of deeming that she can make war upon a foreign nation without having first and previously declared it, and without that nation being informed thereof and enabled to defend itself. It is England. When, in the councils of the Cabinet of St. James's, war is projected against any people whatever, it is a mystery as to every nation, and especially to that against which it is intended; and already the Cabinet of St. James's has taken its measures, has attacked the nation which is uninformed, has cut off her means, in order that she be incapable of resistance. As regards the English Government free people have no guarantees, independent nations have no rights, whether in peace or in war, whether allies, or neutral, or adversaries. I appeal to history, and it will unroll to us the past conduct and the tendencies of the English Government, whence we may take lessons.

“ The French had conquered Malta, which acknowledged the King of Naples as its sovereign: the English Government offered assistance to the King of Naples, in the undertaking to re-conquer Malta: the offer was accepted, and Sicilian troops were entrusted to the celebrated Ball, to assist him in the enterprise. Ball attacked Malta, and conquered; but instead of hoisting the colours of Naples on the castle, he on the contrary caused the British leopard to be displayed, deeming it his duty to deride the good faith of the King of Naples. When at the Peace of Amiens it was determined that Malta should be delivered to the King of Naples, its legitimate sovereign, represented by the Knights of St. John, the English Government, which acquiesced in the Treaty and signed it, would not fulfil the engagement of the delivery; and till now, till this very day, the colours of Great Britain float in the ports of Malta.

“ Senhor President, when in 1755 the English Government intended to declare war to France, 400 merchant vessels had already been taken by the cruisers which England had scattered over every sea, while France believed in peace, and had no formal notification of war. Setting at naught the good faith of the Dutch while they were engaged in the war with France, did not the English Government possess itself of Ceylon and of the Cape of Good Hope, assigning as a motive that same war of Holland against France, for the purpose, as it (England) declared, of securing that port in the name of Holland itself? Have we not the fatal example of the bombardment of Copenhagen? Twice, in 1801 and in 1807, was Copenhagen bombarded, and both times without previous declaration of war! when, on both occasions, the King of Denmark and his subjects were reposing in peace!—when British jealousy could not bear that the Denmark of that day should be a respectable maritime nation, and should not submit to her orders and yoke. When the English Government desires possessions or colonies, it possesses itself of that (those) which it chooses, whether belonging to Portugal, as those of India, and on the coast of Guinea; whether to Spain, as Fernando Po; whether to France, as Pondicherry; whether to Holland, as those of Asia. Of what importance to it is the right of property? Whether it be in peace or at war, it prefers, and has power, and applies it.

“ Let us advert to other examples of her arbitrary proceedings:

“ During the French revolution, a French savant, well known, M. de Kerguelen, determined on making a voyage, entirely scientific; and having prepared a ship at his own expense, he applied, for his greater security, to be provided with a passport from the British Government, apprehending that it might proceed, in respect to himself, as it had traitorously proceeded in regard to other French ships: the British Government did not hesitate to grant him the passport. Scarcely had M. Kerguelen sailed—scarcely had he lost sight of the coasts of France—than the English Government despatched a ship of war after him, captured him, and confined him for several years in a pooton at Chatham.

“ How beautiful this conduct of the English Government! To disregard a passport under its own hand! Comparatively, how different, too, from that of the French Government! While it was fighting with England, when Captain Cook was crossing the seas for the extension of science and knowledge, France never raised obstacles, but on the contrary, always assisted Captain Cook.

“ Have we not, also, many arbitrary proceedings practised by the English Government during peace and alliance, in respect to Portugal, the nation which Great Britain always found faithful, and to which she owes most? Did not Admiral Blake pass into Lisbon in the year 1648? Portugal was at peace,

and in alliance with England—there was the Treaty of 1641—while Blake, pursuing Prince Robert of Holland, who sought an asylum in the port of Lisbon, entered it by force, and as the Portuguese Government resisted, Blake sailed, and in revenge took fifteen galleons which were going loaded from Brazil. In this manner he revenged himself on Portugal for having supported her dignity by not consenting that the English admiral should take possession, in the waters of the Tagus, of a Dutch fleet. How has Portugal been paid for innumerable services to the advantage of England? In 1838, the British Government having carried a bill against the merchant-vessels of Portugal, and attacked her possessions, Zaire and Ambriz, capturing not only merchant-ships, but also transports of war in the seas of Africa—this is the gratitude of the English Government. When England, Senhor President, is the subject, we must consider her as an exceptional nation, having its own rules, and which has in view only its own interest and convenience; when England is the subject we should not argue, like the noble deputy Senhor Mattoso da Camara, from examples of other nations.

The many facts which I have pointed out prove superabundantly, that as well in time of peace as in time of war, the Government of Great Britain does not respect the rights of other nations, does not faithfully fulfil its treaties, and is resolved to follow only the path which its interests point out. To it all means are lawful—force, treachery, wiles. Does it aim at an object?—it will proceed by easy degrees, and will obtain it; does it aim at an object?—it counts upon its being realised; does there appear a favourable notion?—it is immediately turned to account; and we, receiving these lessons and experience of these facts, realised in regard to other nations, ought we not to be on our guard, and to mistrust her claims, even fearing that at the next moment they may be more burthensome?

Having spoken of foreign nations, let us now turn to our own country: let us follow the steps of the English Government.

Our independence was but just declared in 1822, when the English Government hastened to acknowledge it, and for such acknowledgment required money. Money was given to it. It required for that acknowledgment the confirmation of the Treaty of Commerce which subsisted between Great Britain and Portugal; we ratified that Treaty; immediately afterwards, in 1826, it (the English Government) required us to sign a Special Treaty in regard to the traffic in slaves, which, *mutatis mutandis*, accepted the Treaty of 1815, and the Additional Convention of 1817, as belonging thereunto, and which bound Portugal to England for the purpose of abolishing the traffic in slaves. For these Treaties what guarantees were granted to Brazil, even in comparison with those which were granted to Great Britain? Brazil had no guarantee whatever. The articles of Brazilian produce, which, according to it (the Treaty), ought to be received in the market of England, are at the present time obliged to be nationalised as English, passing through the Cape of Good Hope if it be wished that they obtain advantages in Great Britain. In the meanwhile England sends her merchandise freely to Brazil; and thus did the English Government interpret this part of the Treaty. England obtained navigation privileges (*privilegios de marinha*), and a thousand other advantages; and of some which were conceded to us we can make no use!

England established in Brazil a tribunal, a special judicature, a conservatorial court in which to try the subjects of her nation; and does it happen that Brazil has any tribunal of its own for judging the crimes of her subjects residing in London?—None. The adjudication is by the English tribunals; and yet it is said that there is a reciprocity of rights—that the (two) nations have parity of right. Reciprocity of rights between a weak nation and a stronger is a perfect joke: all the favours and guarantees are for the strongest.

Thus much for the Treaty of Commerce. And as to the Slave Treaty, there are immense guarantees in favour of England, and none for us; and besides throwing our agriculture into dark apprehensions for the future, and depriving it now of the requisite labourers, we allow our commerce and the fortune of our fellow-citizens to be delivered over to the caprice of the (English) cruisers. But in fine, there were treaties. Experience is best acquired by actual facts; and our statesmen, those who have been at the head of the affairs of the country, were indeed obliged to fulfil the treaties which exist, but they should not have consented that England should, on every occasion, extend them to such a degree that, in the present day, England has much more than was ceded to her by the treaties. Hitherto the English Government has interpreted the treaties with us as it chose: she required that we should not augment the tariffs of our custom-houses, while she augmented her own as she chose, and the Government of Brazil acquiesced. In 1838, when the course followed by the Mixed Brazilian and English Commission in regard to vessels taken with Africans on board was in the forms of Brazilian legislation, and had passed as precedents, the English Government required and obtained that the Government of Brazil should order the course to be reformed—that “embargoes” should not be admitted—in order to assimilate the proceedings to English legislation. In 1838 the English Government required and obtained that the Brazilian Government should order that the Mixed Brazilian and English Commission should take part in the adjudication of Portuguese ships, under the pretext that the Portuguese flag covered Brazilian merchandise: such a course implies immense future difficulties between Brazil and Portugal; but so the English Government would have it.

In 1838, up to which period the same English Government had agreed and consented that English subjects having committed crimes in Brazil should be amenable to the judges of the peace—authorities recognized by the code of the country—required nevertheless, and obtained from the Brazilian Government, that in future they should be amenable only to the English (judge) conservator. In 1839 it also obtained that the English, who up to that time had to appear before a jury, should have a privilege of not being tried by the jury, but by their own special tribunal.

In 1839 it succeeded in creating and establishing a guard-ship (“*presiganga*”) in our port, within the Bay of Rio de Janeiro, in which all the wretches suspected of being engaged in the traffic in slaves are loaded with irons and kept in prison for many years, as if the port of Rio de Janeiro were a port of Great Britain, in which its government could have a prison, and keep therein prisoners at its pleasure, and under its flag. From that time, under the pretext of guarding the prison which had been established in Rio de Janeiro, the naval authorities thought themselves empowered to assume the police of the port, and to examine the boats and wherries passing in the Bay. The house should observe that their pretension was carried so far, that even a boat covered by the Brazilian flag, coming one day from the fort, was fired at, and they attempted to subject her to the right of visit!

In 1839 the English Government succeeded in taking vessels under Brazilian forts, either entering or going out. They took the “*Sandade*,” the “*Treze de Julho*,” and the “*Antenor*.” It is true that it is said that our Government required satisfaction for such proceedings, but what satisfaction did

we obtain?—Two insolent notes from the English diplomatist of that day, in which it was said that reason was not on our side, and that England stood upon her right.

In 1839 the English Government required and obtained, that the English houses of business should not pay the tax laid upon English clerks; and the Government of Brazil acquiesced also in this extravagant pretension.

In 1840 the English Government began to make war on the coasting trade of Brazil. The British cruisers searched all the Brazilian vessels which sailed or were entering; they illegally took vessels which were going to Campos, like the galliot "*Alexandre*," (bound) for Santos; like the "*Convenção*," which was going to Caravellas; like the "*Castro*," and some others, which were bound for other ports. They made them come to Rio de Janeiro, and kept them till final adjudication, by which they were all acquitted.

Since then, no ship can leave Rio de Janeiro on a voyage to any port, either in the province or out of it, without being visited and impeded on her voyage by the English. And the Brazilian Government has acquiesced in all this, not protesting against this new right of visit, inasmuch as the real right of visit is declared in the additional Convention of 1817, and is allowed only when there are strong indications and sufficient motives for suspecting that the vessels are engaged in the traffic in slaves, either on account of their size or their rigging, &c.; and, what is more, the Brazilian Government has not protested against the taking of these vessels, as it was entitled to do, since it is seen by the 6th article of the additional Convention, and by the 1st article of the instructions annexed to the same, that it is not allowed to any English cruiser to take Brazilian ships unless there be slaves on board, and slaves for the traffic.

It is said—but they were acquitted—indemnities were allowed to them. But does the English Government pay? And when? When will that occasion occur? And, in the mean while, with what object do the cruisers commit these acts? What, I may be asked, may be the interest of the English Government in visiting small ships employed in the coasting trade, and in capturing such as it may think proper? It is to ruin our coasting trade, and to make it requisite that that commerce be carried on by means of English ships; it is to raise impediments and obstacles, to create difficulties, and then to conquer.

In 1840 the English Government also took occasion to bring to Rio de Janeiro vessels laden with Africans that had been captured, to keep them in the port during such time as they chose, and, instead of bringing them for adjudication before the Mixed Commission, as the Treaties positively order, to take them away again at their pleasure, in order that they should not be distributed in Brazil, but in their own colonies. I bring, as a proof, the brig "*Anna*," which was taken anew to Demerara, where there is a great want of slaves.

In 1841 the English Government, after its cruisers had taken the Brazilian barque "*Constante*," at anchor on the coast of Brazil, and had brought her to Rio de Janeiro, succeeded in taking her themselves, and for their navy, under pretence that, on board of that vessel, no crew had been found, and that she was considered as abandoned, and as such, belonging to the first captor; although there were documents showing the ownership and national character of the brig, and that the Brazilian Government itself required her delivery from the English Government.

Again, in 1841, the English Government required that the Government of Brazil should establish, that all individuals comprehended in the sentences of the Mixed Brazilian and English Commission, as being implicated in the traffic, should be, *ipso facto*, delivered to the executive authorities, and should not be delivered to the judges, classifying the crime (*formadores da culpa*), in order to their being prosecuted according to our laws. This claim is still pending.

These facts constitute very great insults, and what satisfaction have we received? We have made concessions, and what are their consequences? They are, that the English Cabinet has ascertained that, as often as it requires from the Brazilian Government a measure or proceeding, an interpretation of a treaty, or whatever may suit it, the Brazilian Government, either by fear or weakness, or on some other account, gives way. We have seen a series of concessions which, on our side, show nothing but weakness.

If it has experienced, on the part of Brazil, nothing but weakness; if it be known that, on the part of the Brazilians, there has been nothing but submission to its demands, how can we persuade ourselves that it is satisfied, and has not other demands still more exaggerated, that it will not proceed to require the establishment of a Mixed Commission for the emancipating of the slaves imported since the law of 1831.

The noble deputy, Senhor Mattoso da Camara, said that he doubted whether the English Government had such a design, because if it should be brought forward he was certain that there would not be a single Brazilian who would not repel it immediately, and with the greatest indignation. "I do not doubt that if this extraordinary demand for a Commission shall be made, it will find all Brazilians, agreed and unanimous in resisting them (the English), and in rejecting it (the demand)." But, Senhor President, that the English Government will make it, having experienced, on our part, much weakness, and that such demand is (would be) nothing but the fruit of many other demands which England has made, and which have been yielded to her, is what I cannot but believe.

The noble deputy said that he considered the article as isolated. How can we consider this article isolated, and without value, when it relates to demands upon us—we, who have acceded to all the requisitions of the English Government? How can we suppose this article to be isolated, and without importance, when it refers to a nation which does not respect the rights of nations—which does not respect any people whatever—which does not admit either public dignity or national guarantee?

The noble deputy said the press encounters the press. It would be giving great importance to this editor to answer him by an act of the legislative power. At first sight it appears that this proposition is not to be controverted. In the meanwhile, Senhor President, if we are acquainted with the system of England, how can we believe that the British press is to be answered only by that of Brazil? What does England care for the Brazilian press?

Will your Excellency believe, does the noble Deputy believe, that when one replies to a violent article of the English journalist by another of the Brazilian journalist, the British Government loses on that account the hope of realising her pretension? And further, is not this article from a Tory and ministerial paper? And already—let me be allowed the expression—it is already the preface to the ministerial design—it is the manifesting of the intention, in order to prepare the (public) mind in England, in order to accustom the English to such a measure.

The noble Deputy said,—But it cannot be understood that such an article be drawn up under the suggestions, or by the desire of, the present ministry in England, because there are, in that ministry, men who, when Portugal was violently plundered of her rights by Lord Palmerston's Bill, they (the present ministry) raised their voice against the ministry of that day.

Senhor President, in England there is a diversity of political opinion in regard to the internal affairs of the country, but there is unanimity, there is harmony, in opinions in regard to foreign concerns. When the greatness of England is in question all are English—parties disappear—opinions are shrouded; then only a single will shines forth—a single desire—that of raising England to the very summit of prosperity.

In my opinion Walpole is on a par with Chatham, Pitt with North, Canning with Wellington, Peel with Palmerston. In foreign affairs they have all the same rule—the same principles—in regard to other nations; they have to commit the same injustice, the same arbitrary acts as their predecessors; these are rules, invariable precedents, which they devolve on one another.

And, Senhor President, knowing, as we do, that the Cabinet of St. James's proposed to Spain the establishment of such a Mixed Commission, can we fail to believe that they will comport themselves in the same manner towards us? But the noble Deputy said,—In my opinion there is a difference between Spain and Brazil. In Spain, the business was with her colonies; in Brazil, it regards the nation itself. Your Excellency will allow me to point out to the noble Deputy, that when the English Government made its proposal to Spain, it knew that it would be objected to; it knew that Spain would not sacrifice to it her important colony of Cuba—and, on the other hand, can it expect similar resistance from Brazil—it, which has experienced from our administrations only the greatest remissness, the greatest weakness? Has it to hesitate to propose the same to Brazil? Is not Spain a nation much more powerful than Brazil? Does it not weigh more in the political balance? And we, who are the weaker, are we to scare it?

So much does it appear to me that I am right in expecting such a claim hereafter, that we have here, in the 'Jornal de Commercio,' the words of the English diplomatist, Mr. Ouseley, in regard to the Government of Brazil, which very clearly convey the future intentions of the English Government.

In 1840 Mr. Ouseley said, in a note, that he had received very positive instructions to protest, in the strongest manner, against the revocation of the law of the 7th of November, 1831, by which, in fulfilment of the philanthropic and just engagement of the Brazilian Government to that of Great Britain, is guaranteed, in the most solemn manner, the *absolute liberty of the Africans illegally imported into the empire after that law, the right to which became both absolute and legal.* (Printed in Italics.) In 1840, however, we collect from the words of the English diplomatist, that England, in order to cause the law of 1831 to be executed as she thinks proper, claimed, from that period, to establish the Mixed Commission, and this claim is discovered through the importance of the expressions.

And if the article of the English journal be now corroborated by the intentions and purport of the note of the English minister; by the example as to Spain; by the conduct, constantly disloyal and treacherous, which the British Government has ever followed; and, finally, by the concessions made to all its demands by the Brazilian Government—we cannot consider it unconnected and valueless; but on the contrary, it is evident that its contents are true, and perfectly express the idea of the English Government; and how then can I fail to believe that there exists sufficient ground for a representation? How can I be of the opinion of the illustrious members of the committee, who think that this article is not sufficient for us to determine to address a message to the Imperial Government?

The second argument adduced by the noble deputy, Senhor Mattoso da Camara, in favour of the opinion of the special committee, is based on the incompetence of this assembly. In answer I will say to my noble friend, first, that the right of petition is guaranteed to the fullest extent by the political constitution of the empire, and this representation is tantamount to an actual petition of the deputies, expressing the sentiments of the legislative assembly of this important province. It is equivalent to a petition, *de facto*, to the Imperial Government, not to admit such demands of the English Government as are contrary to the constitution of the empire and to the dignity of the Imperial Throne, the Government being able to rely on the efforts of all Brazilians. Can, perchance, the noble deputy deny that the constitution of the empire permits the right of petition? Can, perchance, the noble deputy opine that the constitution denied to us—to us as the representatives of the province, the right which it grants to any Brazilian citizen? How? would it deny to an assembly, to a corporation, that which it grants to a private citizen? So true is it that there was no such denial, that in a constitutional article, supported by the additional act, it is declared, that to the provincial assemblies belongs the right of representation, and of guarding the constitution and the laws. We are now about to petition, by means of a representation, that the Imperial Government will not admit such a requisition on the part of England, as to create a Mixed Commission in Brazil, inasmuch as such a measure would be equivalent to a violation of the constitution of the empire; and how can we be deemed as incompetent to such a measure? The noble deputy, Senhor Mattoso da Camara, will allow me to use his own words. The House will recollect when a few days ago we addressed a congratulation to the Government for having obtained and sanctioned various laws.

Senhor Gomes dos Santos.—We did not congratulate it for having sanctioned those laws.

Senhor Pereira da Silva.—The noble deputy will pardon me. We congratulated the Government on having maintained public order; on having endeavoured to provide means for putting down disorganising factions; consequently we congratulated the Government on having obtained and sanctioned laws which secured the public tranquillity, which settled order in the country, from which the country hopes much, and on which it relies. If we have not now a right to address a petition to the Government, in order that it may not admit British demands, as extraordinary as they are contrary to our constitution, should we go perhaps, as the noble deputy said, with this representation to congratulate the Government for having sanctioned the laws? We, however, then determined to make a representation, inasmuch as we understood that the right so to do was guaranteed to us by the additional act; and are we now incompetent to present such a respectful petition? And the noble deputy should observe, that when that congratulation or representation which we sent to the Throne was discussed, it was understood in the provincial assembly, or at least I understood, who spoke in that discussion, that whenever the provincial assembly was considering of congratulating the Government, or of making a representation in regard to those subjects which it might deem proper, we ought to vote for so doing; and it was in this discussion, and on those principles, that when I compared it with the representation of the provincial assembly of San Paulo, I said that I did not consider the two repre-

sentations as being on a par, inasmuch as that of the assembly of Rio de Janeiro was respectful to the Throne, and expressed our sentiments and votes with all decorum and consideration; while that of the provincial assembly of San Paulo, besides being drawn up in an uncivil and disrespectful style, also required from the Government anti-constitutional measures, such as the non-execution of sanctioned laws, which the Government had already ordered to be executed.

I am therefore of opinion, that we had as much right to send that congratulation, as we now have to make this representation, which is within the sphere of our attributes, and which is to be drawn up in language respectful to the Throne.

The noble deputy, Senhor Mattoso da Camara, also said, that even if we were competent, we ought not to present the representation referred to in the requisition of the noble deputy, Senhor Dias da Motta, because it would be prejudicial to the present Government, inasmuch as it would appear to uninformed persons that we do not consider the ministry capable of repelling British demands. The noble deputy will permit me to tell him, that nobody has declared himself more friendly to the present ministry than myself: I have repeatedly expressed my political opinion, and I cannot be so unjust to the present ministry as to believe, that as soon as this demand of the English Government be presented to it, the ministry would not immediately repel it with the dignity which characterizes its worthy members. By the fact, however, of our sending such a representation, do we act with impropriety towards the present ministers? Not at all; here is no impropriety; on the contrary, I think that if we were to send this representation, we should strengthen (the hands of) power, we should give spirit to the Government; we should convey to it the wishes of Rio de Janeiro, and I can say of all Brazil; and then if the English Government should dare to make such demands, our Government would reply with more force, energy, and dignity, relying beforehand on public opinion.

The noble deputy, Senhor Mattoso da Camara, also said—But this would be to embarrass the right of the ministers, and as no demand has been made, we ought not to take any step whatever. Senhor President, the example of the French Chamber will be of much service to us. There was already a treaty between France and England, but secret. It had not yet been published, and in the meantime the French Chamber thought proper to give its opinion thereon, because that Chamber felt, and very properly, that in point of treaties, it was preferable to prevent, rather than to repress, and consequently it concluded that it ought to make known to the ministry what its opinion was in regard to that Treaty. If therefore we understand that this demand of England be contrary to our constitution, and to the independence of the empire, we, while giving strength to power, ought certainly to declare immediately our opinion on this subject, and therefore we cannot in any way convey a message other than respectful to the Crown.

I have thus demonstrated, and as I think abundantly, that the argument of the noble deputy, Senhor Mattoso da Camara, in support of the opinion of the illustrious committee of which he was a member, cannot prevail, and that the requisition of my noble friend, Senhor Dias da Motta, cannot fail to be approved.

I shall now proceed to develop some other ideas, and I solicit the attention of the House for some moments.

The English, Senhor President, boast of their desire to abolish the traffic, as from pure humanity, and they deem our country barbarous for continuing it. No one, however, no nation has less right than the English to call us barbarous—any other Government, not having colonies in which there were slaves—any other Government, not having a history written in the darkest characters, would be more appropriate than the English Government to throw this stigma upon us. In the last century, who filled the Spanish colonies with slaves? The English, who obtained by the treaty of Utrecht the exclusive privilege of their transport. In the present enlightened age, what nation possesses a greater number of black slaves, and at the same time punishes them more severely? They are the English in Demerara, at the Mauritius, at the Cape of Good Hope. What government treats the people of a nation, in other respects connected with England, like its slaves? It is the English Government, which always ill-treated the Irish in the times of Henry VIII., Elizabeth, and Charles II., and still ill-treats them; which reduced them to extreme misery, and which on this account has been several times threatened with a conflagration.

Who were the purchasers in the German States of soldiers to be employed against the Americans during the war of independence, paying twenty shillings per head for those who died? Who consented that the Algerines should reduce free persons to slavery? Who allows the English people to die of hunger and misery? The English Government. And who calls itself a philanthropic Government, on pretence of abolishing the traffic in regard to foreign nations, not in its own, which does not suit it; having become guilty of so many crimes, such as could be perpetrated only by barbarians and monsters? No, it is not philanthropy, it is the object of ruling all; it is the desire of annihilating the agricultural productions of America, and of the colonies, in order to substitute those of her own possessions: it is the immoderate and measureless ambition of her aggrandisement. In every sea are English ships to be found; in every country floats the English flag; at Bussorah, in the Persian Gulf, elsewhere, at Heligoland, in the Elbe and the Baltic, Gibraltar and Malta in the Mediterranean, Syria in the East, almost the whole of Asia, the Maldives in the Straits of Magellan, Canada in North America, a great part of Africa; and they now require Guiana, in order to command the Amazon, which they want; and on the pretence of limits they already threaten us with its military possession.

England, without doubt, is ignorant that she will encounter the resistance upon which I rely in Brazil; England forgets that it was in America that she received the greatest lesson in the world; that in spite of having employed all her forces, of having recourse to every treachery, in order to conquer the United States, she found opposed to her the Franklins, the Washingtons, and received there a lesson which she must eternally remember, and which must teach her that in America it is impossible for her to predominate. I am certain that the honour and the susceptibility of the Brazilians will be manifested as they were displayed in the United States, and that we shall all become a single body for the repelling of the pretensions of Great Britain. As in the United States, there will be union among Brazilians, and then, when the moment shall arrive, we shall know how to maintain the dignity and the decorum of the Brazilian nation. I hope, that when the day shall arrive when it be necessary to take up arms, the Brazilians will prefer to die with arms in their hands, exclaiming, as Francis I. exclaimed at Pavia—Let all be lost except our honour, rather than that we should debase ourselves by agreeing to such degrading demands.

Second Enclosure in No. 187.

Translation of an article in the "Sentinella da Monarchia," dated Rio de Janeiro, April 16, 1842.

Rio de Janeiro, April 13.

Provincial Assembly of Rio de Janeiro.

THE discussion on the report of the Special Commission appointed to consider the petition of Senhor Dias da Motta commenced, the debate beginning with a brilliant speech from the noble author of the petition, which we shall publish in another number; the next speakers being Senhores Azevedo and Mattoso da Camara; these three orators displayed in the discussion all their horror at the history of England, and the ignominy and disgrace which that nation is desirous to bring on every other which by any means does, or may in future, impede its aggrandisement.

The principles declared by the Commission, and the conclusion derived therefrom, may be successfully sustained, but it appears to us that the illustrious Commission did not bear in mind the principal object of the petition. Senhor Dias da Motta did not desire that the Provincial Assembly should indicate what the councillors of the Crown should do in the event of the British Government attempting to carry into effect in Brazil the views of the "Anti-Slavery Reporter," nor did he desire to place the Provincial Assembly of Rio de Janeiro in opposition to that part of the additional act which regulates the relations of the Assembly with the supreme authorities of the state, as well as the cases in which such relations take place; but it was in the first place the intent of the worthy provincial deputy to make known to the British Government the sentiments of Brazilians respecting its iniquitous pretensions; and in the second, to justify the Government in this question of life or death of the dignity of the empire by giving in its favour the vote and support of the official representative of the rich and enlightened province of Rio de Janeiro.

It appears to us that a representation to the supreme authorities of the state, framed according to these two considerations, would not prove objectionable either with regard to the constitution or to policy, and would not place the Provincial Assembly in the ridiculous position of wishing to give counsel to those who did not require its advice.

These are the main reasons which appear to us to support the petition of Senhor Dias da Motta; there is still another, but which is in our opinion of a secondary nature—it is the utility of agitating at once this question.

After the repeated insults of the British Government, after so many affronts, there is no need of the patriotic voices of the provincial deputies of Rio de Janeiro; every citizen feels in his heart the unextinguished sentiments of nationality, individual dignity, and the love of country. Nevertheless, though we conceive this a secondary reason, still it ought not to be presumed that this one of the reasons on which the petition is founded is useless.

The devil sometimes enters men's heads and renders them traitors: all nations have had them, and it may happen that the spirit of darkness may league itself with the British Government, which is the Satan in this world, and induce treason in some of our statesmen; therefore the discussion of the subject, and the frank and well-defined expression of public opinion, will prove the iron circle opposed to the cunning of the malign spirit, treason. Who on looking into the face of a statesman can say, "This will be a traitor, but not that?" Independence, honour, and national sovereignty are under discussion, and none are permitted to refrain from bringing to it the contingent of his convictions and sentiments.

Let all recollect Malaquita's epigram, taken from Rousseau, "When regarding state affairs it is said—what is that to me? the ruin of the state is to be expected."

No. 188.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, May 18, 1842.

(Received July 9.)

MY LORD,

WE beg leave to inform your Lordship that Senhor Joao Carneiro de Campos, Brazilian Commissary Judge, has this day brought into the Mixed Court of British and Brazilian Commission a Despatch, in date of the 7th instant, from the Brazilian Minister for Foreign Affairs, with the papers of the brig "*Aracaty*," captured by a Brazilian schooner of war, on suspicion of having landed Africans in the province of Alagoas.

The vessel and the capturing officer not having yet reached this port, the proceedings have nevertheless been commenced by issuing the usual monition, returnable in twenty days, the shortest period which the circumstances of this case admit of.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 189.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, May 24, 1842.

(Received July 26.)

MY LORD,

WE have the honour to acknowledge the receipt of your Circular Despatch of the 23rd of March, 1842, announcing that, on the 20th of December,

1841, your Lordship signed, on the part of Her Majesty, with the Plenipotentiaries of Austria, France, Prussia, and Russia, a Treaty for the Suppression of the Slave Trade, the ratifications of which, on the part of Austria, Prussia, and Russia, were exchanged, against those of Her Majesty, on the 19th of February, 1842.

Of the Treaty in question your Lordship has been pleased to transmit to us a printed copy, for which we beg leave to offer our best acknowledgments.

Having the honour to be, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 190.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro. May 31, 1842.

(Received August 12.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 11th March, 1842, with a copy of a Letter, of the 1st of March, 1842, from Her Majesty's Treasury, and a copy of a Report of the 5th of February, 1842, from Mr. Rothery, in respect to the mode of remunerating persons acting as proctors on behalf of captors in this Court of Mixed Commission.

We have not failed, my Lord, to apprise our Brazilian colleagues of the purport of your Lordship's instructions on the subject in question, and we are about to lay before them a translation of Mr. Rothery's report above mentioned, the result of which we shall hereafter beg leave to lay before your Lordship.

We have, &c.,

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 191.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, June 14, 1842.

(Received August 15.)

MY LORD,

WE had the honour to apprise your Lordship, under date of the 18th ultimo, that the Brazilian vessel called "*Aracaty*" had been brought into this Commission Court for adjudication under the Slave Trade Abolition Treaties.

That vessel arrived here from Bahia on the 31st ultimo, under charge of Senhor Enriques Pires Branco, a Brazilian prize officer, whose deposition was taken on the following day; and the proceedings were continued till the 4th instant, when the proctor for the claimant petitioned for eight day's extension of time to enable him to prepare his defence, which the Court granted, feeling that no inconvenience would result therefrom to any party.

As, however, that term has expired, the case in question will, doubtless, be soon sentenced, and the particulars will be transmitted to your Lordship by the next conveyance.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 192.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, July 13, 1842.

(Received September 9.)

MY LORD,

WE had the honour to acquaint your Lordship, under date of the 14th ultimo, that the case of the Brazilian brig "*Aracaty*" was then pending, and that

we expected it would not be long before we should transmit the sentence thereon, and a full report of the proceedings.

On the 1st instant the British Commissary Judge *ad interim* gave in his written vote, stating that the "*Aracaty*" having been engaged in a slaving voyage, and captured out of cannon-shot from the shore, was a lawful prize under the jurisdiction of this Commission; but the Brazilian Commissary Judge declared, in the written vote he also handed into Court, that the capture of the "*Aracaty*" was within cannon-shot of the Brazilian shore, and therefore not cognizable by this Court.

Upon this diversity of opinion recourse was had, on the 5th instant, to arbitration, and the lot falling on the British arbitrator, Mr. Grigg, his first step was to obtain further evidence as to the locality of the capture from an officer of the capturing vessel, "*Fidelidade*," who was in charge of the "*Aracaty*."

Such evidence being taken, Mr. Grigg was ready to present his vote on the 11th instant, but deferred doing so till this day at the request of the Brazilian Commissary Judge, who asked for further time to reconsider the case.

Mr. Grigg's vote, to the effect that this Commission should proceed to judgment on the "*Aracaty*," being now before the Court, we shall be enabled to transmit the sentence, and a full report of all proceedings, by the first conveyance.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 193.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, July 16, 1842.

(Received October 19.)

MY LORD,

IN pursuance of the seventy-fifth 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 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, 1841, to the 30th June, 1842.

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

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

Enclosure in No. 193.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission established at Rio de Janeiro, from December 31, 1841, to June 30, 1842.

Name of Vessel.	Tonnage Admeasurement.		Date of Seizure.	Where captured.	Property Seized.	Seizor.	Date of Sentence.	Decretal Part of Sentence.
Aracaty .	Brazilian. 162½	British. 203½	1842 Mar. 18.	Off Cape St. Agostinho, Coast of Brazil.	Ship and her Appur- tenances.	Brazilian Schooner of War "Fidelidade," Lieut. Leal Commander.	1842 July 16.	Condemned as a good prize under the Slave Trade treaties.

Rio de Janeiro, July 16, 1842.

ROBERT HESKETH.
FRED. GRIGG.

No. 194.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, August 1, 1842.**(Received October 19.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 12th of May, 1842, transmitting a copy of a Memoir drawn up by Mr. Bandinel, of your Lordship's office, containing an account of steps taken by the British Government towards effecting the extinction of the Trade in Slaves from Africa; and in compliance, my Lord, with your directions we have placed the Memoir in question among the archives of our office.

We notice with pleasure that a copy of the same Memoir has also been received at the British Library and Reading Rooms in this city.

We have, &c.

(Signed) ROBERT HESKETH.
FRED. GRIGG.*The Right Hon. the Earl of Aberdeen, K.T.*
&c. &c. &c.

No. 195.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, August 1, 1842.**(Received October 19.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 3rd of June, 1842, respecting the brig "*Convenção*," captured by Her Majesty's ship "*Rose*" on a charge of Slave Trade, brought before this Mixed Commission, and released by its order.

Upon this subject your Lordship is pleased to apprise us, for our information and guidance in similar cases, that the Queen's Advocate had reported his opinion that, under all the circumstances of the case, this Mixed Commission Court would have been justified in condemning the "*Convenção*" for being engaged in the illicit traffic in slaves.

We observe that, in expressing that opinion, the Queen's Advocate was anxious to be understood as not meaning to convey the slightest imputation upon the conduct of Her Majesty's Commissioner of Arbitration for the part he took in decreeing the release of that vessel; and further, that the Queen's Advocate was of opinion that the Commissary Judge ought not to have introduced into the Court the declaration made to him in the street, which could not properly be considered as legitimate evidence.

We have, &c.

(Signed) ROBERT HESKETH.
FRED. GRIGG.*The Right Hon. the Earl of Aberdeen, K.T.*
&c. &c. &c.

No. 196.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, August 1, 1842.**(Received October 19.)*

MY LORD,

WE have the honour to transmit herewith a full report of the case of the Brazilian brig "*Aracaty*," detained under the Slave Trade Abolition Treaties by the Brazilian schooner-of-war "*Fidelidade*," Lieutenant Felipe

Jozé Pereira Leal commander, and condemned by this Commission Court on the 16th of July last.

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

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 196.

Report of the Case of the "Aracaty."

Rio de Janeiro, July 23, 1842.

ON the 7th of May, 1842, the Minister for Foreign Affairs addressed a Despatch to the Mixed British and Brazilian Commission with the papers of the Brazilian brig-schooner "*Aracaty*," captured on the 18th of March, 1842, by the imperial schooner-of-war "*Fidelidade*," Lieutenant Felipe Jozé Pereira Leal commander.

On the 18th of May, 1842, the said papers were presented to the Court of Mixed Commission by the Brazilian Commissary Judge, and on the same day the Court issued the usual monition, requiring all parties interested to appear before the Court within twenty days from that date.

The papers referred to were as follows:—

1st. A certified copy of a Despatch, dated the 12th of April, 1842, from the Minister of Marine to the Minister of Foreign Affairs.

2nd. A certified copy of a Despatch, dated the 22nd of March, 1842, from the President of the Province of Alagoas to the Minister of Marine.

3rd. A certified copy of a Minute, in date of the 12th of April, 1842, of the papers forwarded on the 22nd of March, 1842, by the President of the Province of Alagoas to the Minister of Marine.

4th. A Despatch in original, dated the 19th of March, 1842, from the commander of the brig-schooner to the President of the Province of Alagoas.

5th. A certified copy of the Minute of the capture of the "*Aracaty*," made by the same commander off the port of Maceio on the 18th of March, 1842.

6th. A copy of a Despatch, dated the 18th of March, 1842, from Henrique Pires Branco, Second Lieutenant of the "*Fidelidade*," to her commander, from on board of the "*Aracaty*."

7th. The log of the "*Aracaty*."

8th. Copy of a letter from Loanda, dated the 3rd of February, 1842, to Joaquim Pereira de Mendonça; place of residence not mentioned.

9th. A receipt, dated Loanda, the 26th of January, 1842, for anchorage dues, &c.

10th. A letter, dated Loanda, the 4th of February, 1842, from Antonio Corra. Branco to Thomas de Aquino Perra. Branco, Pernambuco.

11th. A paper writing in pencil without signature and without date, the address of which is unintelligible.

12th. The muster-roll, dated Loanda, the 1st of February, 1842.

13th. Manifest of ballast taken on board, dated Loanda, the 28th of January, 1842.

14th. A clearance from Loanda, dated the 31st of January, 1842, with sundry receipts.

15th. Imperial passport given by the President of Pernambuco, dated the 19th of August, 1841.

16th. Bill of exchange drawn at Pernambuco the 15th of March, 1842, payable ten days after date, for 500,000 reis, on Silvestre Joaquim do Nascimento of Pernambuco, and accepted by him.

17th. A similar bill of exchange, drawn and accepted, as above, at sixty days' date, for 601,170 reis.

18th. A Despatch, dated Maceio, the 22nd of March, 1842, from the Chief of Police to the President of the Province of Alagoas, enclosing a Report of a survey on board of the "*Aracaty*."

On the 1st of June, 1842, the Prize Master, Lieutenant Henriques Pires Branco, appeared before the Court, and deposed to the facts of the capture.

On the same day the proctor for the claimant presented a Power of Attorney from João Antonio Alves da Silva, owner of the "*Aracaty*," in favour of Gabriel Antonio, and by him substituted to the said proctor.

On the 4th of June four of the crew of the "*Aracaty*" appeared, on summons by the Court, and it was not thought necessary to examine more than two.

On the same day the claimant's proctor petitioned for eight days' further time for presenting his defence, which were granted.

On the 15th of June the same proctor applied for seven days more for presenting his defence, upon which the Court extended the time to the 21st of June, absolutely.

On the 15th of June the Commission received a Despatch, dated the 6th of June, from the Minister for Foreign Affairs, enclosing an inventory of the appurtenances of the "*Aracaty*."

On the 22nd of June the proctor for the claimant presented his defence, with an annex relative to a former capture, which annex the Court did not consider applicable to the "*Aracaty*."

On the 5th of July the Acting British Commissary Judge presented his vote in the case dated the 30th of June, condemning the vessel.

On the same day the Brazilian Commissary Judge presented his vote, declaring that the capture was made in the territorial sea of Brazil, and therefore that its cognizance did not belong to the Mixed Commission. The Court, however, placed a Minute on its Records, to the effect that, in future, it would not admit any paper containing disrespectful expressions.

And, in consequence of the difference of opinion between the Commissary Judges, lots were immediately drawn for an arbitrator, and the lot fell on the British Commissioner of Arbitration.

On the 7th of July the Arbitrator applied to the Court for the purpose of ascertaining the exact distance of the "*Aracaty*" from the shore at the time of her capture, inasmuch as the captor had represented the distance as three miles, a *little more or less*, from the shore.

CLASS A.

On the 9th of July the prize-master, Henrique Pires Branco, Second Lieutenant of the "*Fidelidade*," appeared before the Court at its desire, and being asked, under his previous oath, with reference to the commander's report of the capture, whether the distance described as three miles, a *little more or less*, from the shore was to be understood as more or as less than three miles, replied that he referred entirely to the said report, and that the distance from the shore appeared to him to be more, and not less, than three miles.

On the 13th of July the British Arbitrator presented his vote, to the effect that, in view of the further testimony of the prize-master, it was incumbent on the Commission to proceed to judgment.

On the 14th of July, in view of the prize-master's further declaration, the Brazilian Commissary Judge retracted his vote of the 30th of June, and declared his readiness to condemn the vessel.

Accordingly, on the 15th of July, the Commissary Judges gave sentence, adjudging the "*Aracaty*" to be a good prize to the Brazilian schooner-of-war "*Fidelidade*," and declaring the owner of the "*Aracaty*," her master and mate, all subjects of Brazil, amenable to the First Article of the Convention of the 23rd of November, 1826.

The evidence in this case shows that the importation of slaves is continued in the province of Pernambuco, as in others of Brazil, by landing them at out-ports where there are no custom-house authorities, and which, on that account alone, are frequented by vessels engaged in the Slave Trade. The cargo of human beings, brought from Africa in the "*Aracaty*," having been landed at a short distance to the southward of Cape "Santo Agostinho," and marched thence, in the direction given, no doubt, by the slave merchants resident at Pernambuco, the vessel was captured on her return to that port, probably to prepare for another voyage to Africa.

From the extraordinary powers given by the owner of the "*Aracaty*" to his agent, namely the Letter of Attorney (Enclosure No. 11), it is evident that the owner, João Antonio Alves da Silva, made every preparation to evade the penalty of the law, in the event of the seizure of the "*Aracaty*" during her illegal voyage, for it will be seen that the only point to which such an unusual power could be directed was that of exculpating the owner by alleging that the agent, Gabriel Antonio (no doubt a man of straw), had made use of the "*Aracaty*" for the purpose of bringing slaves without his (the owner's) concurrence or knowledge.

There are, however, two satisfactory occurrences in this case, namely, on the part of Lieutenant Leal of the Brazilian navy, commanding the "*Fidelidade*," the zeal and judgment he displayed by the manner in which he boarded, searched, and detained the "*Aracaty*," and on the part of the authorities of Maceyo, the alacrity and propriety with which they contributed their official aid to the exertions of this Brazilian naval officer in carrying through, in this instance, the execution of the Slave Trade Treaties.

The system of perjury, in this instance, will be found equal to that in any previous case.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

Second Enclosure in No. 196.

The Minister for Foreign Affairs to the Mixed Commission.

Palace, May 7, 1842.

His Majesty the Emperor orders, through the office of the Secretary of State for Foreign Affairs, that the enclosed papers, which were forwarded to this department from that of the Marine, relative to the capture of the Brazilian brig "*Aracaty*," effected by a Brazilian schooner of war, in consequence of being suspected of having landed Africans in the province of Alagoas, be transmitted to the Mixed Brazilian and English Commission in this city, in order that the said Commission, within whose competence it is, take due cognizance thereof in conformity to the first Article of the Instructions annexed to the additional Convention of the 28th of July, 1817, forming part of the existing Treaty between this empire and Great Britain.

(Signed)

AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

Third Enclosure in No. 196.

The Brazilian Minister of Marine to the Minister for Foreign Affairs.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Palace, April 12, 1842.

I HAVE the honour to transmit to your Excellency the enclosed copy of a Despatch addressed to me by the President of Alagoas, in date of 22nd of last month, as also the papers to which it refers, enumerated in the annexed report, signed by the chief officer of this department of state, in regard to the capture of the Brazilian brig "*Aracaty*," by reason of there having been found in her very strong indications of her having brought and landed Africans in that province. In order that your Excellency may be pleased to put the said papers into the proper course, pointing out to your Excellency that six men of the crew of that vessel, who came in the brig schooner "*Fidelidade*," have been sent on board of the *presiganga* (guard ship).

God preserve, &c.

(Signed)

MARQUESS OF PARANAGUA.

Senhor Aureliano de Souza e Oliveira Coutinho,
&c. &c. &c.

(A true copy.)

(Signed)

JOZE DOMINGUES DE ATTAI DE MONCORVO,

In the absence of the Official Maior.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

Fourth Enclosure in No. 196.

(Translation.)

The President of Alagoas to the Minister of Marine.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Government House, Alagoas, March 22, 1842.

THE Brazilian brig schooner of war "*Fidelidade*," cruising from Pernambuco towards this province, captured the Brazilian brig "*Aracaty*," having found therein strong indications of having brought Africans to Brazil, and landed them here. The enclosed papers show the justice of this capture, and to avail myself of this good opportunity, I have ordered the brig to be loaded with wood for the capital, where I think the question of the capture should be tried.

God preserve, &c.

(Signed)

MANOEL FELIZARDO DE SOUZA E MELLO.

His Excellency the Marquess of Paranagoa,
&c. &c. &c.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

Fifth Enclosure in No. 196.

(Translation.)

The Commander of the "Aracaty" to the President of Alagoas.

*On board of the brig schooner "Fidelidade," at anchor
in Jaragua, March 19, 1842.*

ILLUSTRIOUS AND EXCELLENT SIR,

HAVING captured the Brazilian schooner "*Aracaty*," for the reasons and under the circumstances which your Excellency will see by the enclosed copy of the Minute and Documents No. 1 to 34, the ship's passport, and a sealed despatch for the Portuguese Consul, I have brought her to this port, so that your Excellency may give me your orders in this respect, having only to request your Excellency that, in order to establish the justice of the capture which I made, you will be pleased immediately to order the competent police authority to proceed on board of the said brig schooner accompanied by the "guarda mor" of the Custom-house of this city, the "patrao mor" of this port, and some other surveyors, for the purpose of certifying the truth and validity of the capture, before the smell exhaled from the hold and other circumstances disappear; it being my duty to inform your Excellency that the six remaining sailors of the crew of that vessel are on board of the brig schooner under my command.

God preserve, &c.

(Signed)

FELIPPE JOZE PEREIRA LEAL,

First Lieutenant and Commander.

His Excellency Don Manoel Felizardo de Souza e Mello,
&c. &c. &c.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Sixth Enclosure in No. 196.

(Translation.)

Minute of Capture.

On the 18th of March, 1842, this brig-schooner, bound for the port of Maceyo, and sailing at the distance of 3 miles from the coast, Cape St. Agostinho bearing N.W. at a distance of 5 miles; at ten minutes past two o'clock, P.M., a sail came in sight, navigating S.S.W.; at three o'clock, being very close to her, the commander ordered the British flag to be hoisted; at half past three o'clock, being within speaking distance, the commander ordered the English flag to be hauled down, and hoisted the Brazilian flag and pennant, affirming it with a blank shot, and hove-to, in order to speak a brig-schooner, being that which had been seen before, and seeing that the same appeared not to be willing to heave-to, the commander went round, in order to chase her, which being seen by the brig-schooner, she hove-to, with the Brazilian flag flying, and the brig schooner-of-war hove-to also, and the commander demanded what ship that was, to which he was answered that it was the Brazilian brig schooner "*Aracaty*," coming from Angola for Pernambuco, in 42 days' passage, and that she was in ballast; upon which the commander ordered that an officer from the said ship should come on board with his papers, and shortly after a boat from that vessel came alongside with 4 sailors and the mate, bringing the ship's passport and other papers, which the commander afterwards numbered, and rubricated with numbers—23, 24, 25, 26, 27, 28, 29, 30, 31, and 32. The commander then sent his second boat, with the second lieutenants Henrique Pires Branco and Manoel Jozé da Cunha on board of that brig-schooner, with orders to bring the log-book of the ship, which already appeared suspicious, on account of the astonishment of the mate, who had said that they had come in sight of the land at four o'clock in the morning, and that they were so near to it carried by the rolling of the sea, when actually there was no rolling, such answers not agreeing with what we saw. Shortly afterwards the boat of this schooner came alongside, with the second lieutenant Cunha, bringing the log-book and papers, which the commander afterwards numbered and rubricated with the numbers from 1 to 21, inclusive, besides a Despatch for the Portuguese Consul at Pernambuco; and being told that the vessel had just landed Africans, not only on account of the bad smell which exhaled, but also on account of the mud on a fluke of the starboard anchor; not having a long-boat; the cables being on deck; the masts unwedged, and the mainmast without a cap; there being on board various fresh fruits, such as water-melons, mangoes, oranges, maracujás, and fresh water, the bung-holes of the casks being stopped with the mango-bark, still fresh, the sand very wet, not exhibiting any foot-marks, and the same being

upon mats, which the commander put by, in order to examine afterwards whether the same appeared as if the sand had been upon them for more than 42 days, and the ship appearing to have recently broken up the slave-decks; and the commander asking what the bales were, spoken of in document No. 21, not being in the manifest, as also the reason why the clearance given by the secretary to the Government of Angola, on the 3rd of February, whereas it was seen by the log that she began the voyage on the 10th astronomical day of the said month, on the 19th hour, as is clearly seen from the point of departure; and that he the mate (to whom belonged the only log-book on board) having mentioned the occurrence of having fallen in with a piece of bulrush, as is seen by the said document No. 6, did not mention other occurrences in the same manner; besides, what alteration was that which he pointed out as those which had been made in the same place? To all this the mate made no answer, in consequence of which the commander ordered the second (lieutenant) Cunha to go again on board of the brig-schooner in her own boat, with an armed crew from this brig-schooner, taking with him a clerk to certify everything, so as to draw out the Minute of Capture, in case the same were necessary; and the mate, in order to assist in the searching of the trunks, which the commander again ordered to be done, in respect to all the papers. Shortly afterwards the boat returned from the brig-schooner with a copy of a letter in pencil, which becomes a document, No. 22—the second-lieutenant Branco and myself (the clerk) remaining on board; and shortly afterwards the commander ordered the second boat, with the second-lieutenant Romao Miguens, and the “*Patricante*,” and the boat of the brig-schooner, with Paulino the ship’s master, armed with swords, with orders to bring the charts of the ship, as also to dig into the ballast, in order to see whether they could discover any traces of boilers, water-casks, or planks, which might have served for slave-decks, &c. It being then past six o’clock, when the second-lieutenant Romao Miguens had transferred the watch to the second-lieutenant Cunha, they made all sail towards sea, on account of the vessel’s being then very near the shore. At three-quarters past six the second-lieutenant Miguens returned in the second boat, bringing the charts, and saying that the officers of that vessel had on board only their beds in their berths; and that the second-lieutenant Branco was about to execute the order which he received in presence of myself, the clerk of the master Paulino, and others of the crew of this brig-schooner who were there; and the commander having examined the charts sent to them by the corporal at fifty minutes past seven o’clock; and this boat being still near to this brig-schooner, they heard some firing of musquetry on board of the brig-schooner (“*Aracaty*”), and at ten minutes past eight o’clock the second boat came alongside with information that whilst the second-lieutenant Branco, with the crew of this brig-schooner, were in the hold at work, the captain, the mate, the boatswain, and 3 sailors had escaped in the boat of the said brig-schooner, abandoning her, and leaving on board only 2 sailors, 4 others being on board of this brig-schooner, according to information given by the cook Manoel Garcia, one of the crew of the same; and there being no other boat on board, the said second-lieutenant ordered some shot to be fired into the boat which was escaping, being the shots abovementioned; and in consequence thereof, and of the documents found up to the present time, as well as two bills of exchange, one for the sum of 500 milreis, and the other of 601 mil. 170 reis, the former drawn on the 15th day of the present month, at 10 days’ sight, and the latter at 60 days, both on Silvestre Joaquim do Nascimento, and accepted, as is seen by the signature thereon, the same being marked and numbered by the commander with the numbers 33 and 34, which were found on the deck in a pocket-book, which, in the act of escape, had perhaps fallen from the fugitives. The commander ordered the present minute to be drawn up, serving as that of the capture of the said brig-schooner; and that not only the said commander with all the officers and petty officers believe to have manifestly brought Africans, and ordered that putting on board 12 men armed, with the second-lieutenant Branco acting as prize-master, should follow astern of this brig-schooner for Maceyo, where the whole should be submitted to his Excellency the President of the province, and in faith of what I saw, and was ordered to draw up the present minute, which was signed by myself, with the commander, officers, and petty officers on the abovementioned date.

(Signed)

FRANCISCO FURTADO DA FONSECA BERNARDES, *Clerk.*
 FELIPE JOZE PEREIRA LEAL, *1st Lieutenant and Commander.*
 HENRIQUE PIRES BRANCO, *2nd Lieutenant.*
 ROMAO MIGUENS, *2nd Lieutenant.*
 MANOEL JOZE DA CUNHA, *2nd Lieutenant.*
 JOAQUIM JOZE MARIA, *Master.*
 GASPAR JOZE DE MIRANDA.
 PAULINO JOZE FREIRE, *Master.*
 LUIZ MARTINS, *Master.*
 ANTONIO NUNES FREIRE, *Master of Arms.*
 CAETANO MARQUES DA SILVA, *Carpenter.*
 JOAO ANTONIO NEPOMOCENO, *Corporal.*

A true Translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Seventh Enclosure in No. 196.

*Translated Extract.*Sor. Thomas de Aquino Per^a Branco.

MY DEAR COUSIN,

Loanda, February 4, 1842.

I HAVE to inform you that I arrived at this port after a passage of 54 days, and I do not know what my destination from here will be, the only vessel we have here being the “*Aracaty*,” which sails to-day; the one in which I came has determined to proceed to Rio de Janeiro, and in case there be no vessel for your place (Pernambuco), I have made up my mind to go to Rio (Janeiro), this being my

only resource: by the same "Aracaty" I forwarded 5 bales ("fardos") to Senhor Cunha, and further should I proceed to that place, and arrive safe, I shall write to you from there.

I remain, &c.

(Signed) ANTONIO CORREA BRANCO.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eighth Enclosure in No. 196.

Translation of a Paper found amongst those on board, written in Pencil, without date, address, or signature.

MR.

I INFORM you that the "gente" (meaning no doubt the slaves) are here on the estate of Senhor Manoel Joaquim Ramos de Oliveira e Silva, the same having come under my care to be delivered to you immediately on my arrival at the "ponto" (spot): this was the order which I received from Senhor Silva, that as soon as I (should) arrive, to send a person, at his expense to Recife, with the enclosed letter for you, requesting at the same time that you will come or send as soon as possible to take charge of the "gente" (slaves), because you know that I am the mate of the ship, and cannot stay long in this place, for I have to take in the vessel, and the said Senhor Manoel Joaquim particularly requested of me that his "gente" (slaves) should not be stopped on account of the freight; for that reason, you are very much wanted here, or somebody to act for you, and I request likewise that you will pay the bearer the sum of milries for the same letter of orders, which you will see to be precisely as I have informed you.

I remain, &c.

No signature.

N.B. Died.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Ninth Enclosure in No. 196.

(Translation.)

Minute of Survey made by order of His Excellency the President of the Province, on the Brazilian Brig-schooner "Aracaty," taken by the First Lieutenant Felipe Joze Pereira Leal, on suspicion of having brought Africans to Brazil.

ON the twenty-first day of March, one thousand eight hundred and forty-two, &c. &c. Being on board of the brig-schooner "Aracaty," taken by the first lieutenant, Felipe Joze Pereira Leal, on suspicion of having brought Africans to Brazil, where by order of his Excellency the president of the province, I, Don Francisco Joaquim Gomes Ribeiro, chief of police of the province, &c., in this city of Maceio, and on board of the said brig-schooner appeared the "guarda mor" of the custom-house, Joaquim Machado da Cunha, and Manoel Balbino de Freitas, surveyors appointed for the examination in question, whereupon the said chief received their oath on the Holy Evangelists as customary, charging them well and truly to examine and survey the Brazilian brig-schooner "Aracaty," on board of which they were, and to declare whether in truth there existed proofs that the said brig "Aracaty" was suspected of having brought Africans to Brazil, setting forth all the proofs and indications which they might find in the said vessel; and the said oath being taken by the said surveyors, they, after having duly and minutely examined and surveyed the said brig-schooner "Aracaty," declare thereupon as follows:—

That they the surveyors were entirely convinced, that the said brig-schooner "Aracaty" had brought Africans to Brazil, and had had already communication with the shore of Brazil only a few days before; because in respect to the bringing of Africans there still existed obviously the bad smell proper to Africans—because there existed great many flies; six large casks of salt beef and fish, of all which there were still some remains; a great many chocks fit for stowing the water-casks; a boiler with which the said vessel had been fumigated with tar; and that there were also vestiges of there having been recently slave-decks in the same vessel, and that there being a cabin with a large store-room, showing that they had contained provisions for a great number of people, was no smaller indication; finding moreover a great number of wooden spoons, showing that great number of persons had been on board who had used the same recently; the said surveyors also found that both the masts of the said vessel were unwedged, and the mainmast without cap, showing that the said vessel had been prepared for making great stress of sail, if she had been chased. And that in respect to the said vessel's having had communication with the shore, it was very obvious, because the anchor had yet mud fresh of a few days on the fluke, that had stuck in the ground; there were fresh fruits on board, such as water-melons, oranges, mangoes, and maracujás, which it was impossible should have come from Africa, inasmuch as they were very fresh, as if gathered within six or eight days, and that the seven casks of water were found quite full of fresh water; and further, that the bung-holes of the same pipes were found stopped with green mangrove-leaves, as if gathered within a very few days. And the said surveyors having proceeded to examine the papers, found on board two bills of exchange, drawn on and accepted by Silvestre Joaquim do Nascimento, on the fifteenth of the present month of March of 1842, one for the sum of 601 mil 170 reis, and the other for that of 500 milreis, from which it is clearly seen that the said bills of exchange having been passed in the city of Recife on the above-mentioned 15th day of March, the said vessel could not have failed to have had communication with the shore, it being impossible that after the day in question the said brig-schooner "Aracaty" should have been at the city of Loanda on the 18th day of March of the present year, on her return to the coast of Brazil, when the despatches from the city of Loanda are of the 4th of February. And as every other documentary proof is annexed to the present "termo" (survey). They (the surveyors)

neither said nor declared any thing further, and the present being thereupon read to them, they declared that they found it correct, and they signed it, with the chief of police.

And I, Francisco das Chagas Moniz, first amanuensis in charge of the secretary's office, wrote it.

(Signed)

RIBEIRO.

MANOEL BALBINO DE FREITAS.

JOAQUIM MACHADO DA CUNHA.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Tenth Enclosure in No. 196.

(Translation.)

Deposition of the Prize Master of the "Aracaty."

ON the 1st of June, 1842, in this Mixed Brazilian and English Commission, in the presence of the Commissary Judges of the same, appeared the second lieutenant Enrique Pires Branco, prizemaster of the brig-schooner "*Aracaty*," and after being duly sworn, he was asked the following questions:

Whether he would ratify the declarations made by the captor, and whether he had anything to add? He answered, that he ratified the same, having nothing to add.

Being asked whether, when the imperial brig of war "*Fidelidade*" proceeded to cruise, she was furnished with instructions intended for vessels of war, employed in the same service and referred to in the convention of the 28th of July, 1817, forming an integral part of the treaty existing between Brazil and Great Britain?—Answered that he was not certain, because those papers were reserved for the commander; and after the present being read to him, and found to be correct, he signed the same with the Commissary Judges.

I, Bran Martins da Costa Passos, secretary to the Commission, wrote it.

(Signed)

BRAN MARTINS DA COSTA PASSOS, *Secretary.*

HENRIQUE PIRES BRANCO, *Second Lieutenant.*

ROBERT HESKETH.

JOAO CARNEIRO DA CAMPOS.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Eleventh Enclosure in No. 196.

(Translation.)

Power of Attorney given by Joao Antonio Alves da Silva.

Know all to whom this public instrument of full power of attorney shall come, that in the year of our Lord Jesus Christ one thousand eight hundred and forty-one, on the third day of July of the said year, in this city of Recife, of Pernambuco, in my office appeared Joao Antonio Alves da Silva, residing in this city, and known by me, the Notary Public, to be same, which I attest, and by him was said to me, in the presence of the undersigned witnesses, that he was and is master and owner of the brig-schooner called "*Aracaty*," and as such appoints, in conformity to law, as his lawful attorney here in this city of Recife of Pernambuco, and in the other provinces of the empire, and in foreign kingdoms, to wit; Gabriel Antonio, in order that, with free and general administration, he may navigate whithersoever he may choose and determine in regard to the same brig-schooner; to give orders, to sell or transfer the same, without he, the undersigned, being at any time enabled to demand any account of the said brig, or of what she may produce, inasmuch as already from this moment he approves any and every (accounts) which he may present to him (Joao Antonio Alves da Silva), granting him at the same time power to convey this same procuration to others; and these to others (his attorneys) in order to carry it fully into effect, being always in conformity with the orders of the said Gabriel Antonio, without which the cession made to the new attorneys will not be valid, petitioning in his name, in any tribunal all his rights and dues in all processes commenced and to be commenced, civil or criminal, in which he may be either plaintiff or defendant; cause to be cited to commence actions, suits, exceptions, embargoes, suspicions, and any other articles whatever, to oppose, to prove, to contradict witnesses, to swear in challenge or in a supplementary form, &c. &c., to sign in process, petitions, protests, &c. &c., and to appeal to superior courts, &c. &c., and for whatever may be done or performed by his said attorney, or by any other person by him to be substituted, he promises to confirm and declare valid on his person and property, as also to sign deeds of sale or of transfer of the above-mentioned brig-schooner, to receive the value thereof, and to give receipts and acquittances: In faith of which, and in testimony of the truth, he so declared it and had it extended, and at his request I made the present document in this register, the same having been distributed to me, and which having been read he signed, with the witnesses present, Joao Galdino dos Santos Vidal and Joao Baptista Teixeira Cavalcanti.

I, Manoel Antonio Coetho de Oliveira, notary public, wrote it.

(Signed)

JOAO ANTONIO ALVES DA SILVA.

JOAO BAPTISTA TEIXEIRA CAVALCANTI.

JOAO GALDINO DAS SANTOS VIDAL.

And nothing further was contained in the said Power of Attorney, which I, the Notary, have caused to be copied from that which remains registered in my minute-book, to which I refer, the day and year as above-mentioned.

(Signed)

MANOEL ANTONIO COETHO DE OLIVEIRA.

The above Power of Attorney was substituted with the same powers to Pedro Joze Pereira Vianna, on the 13th of April, 1842, for the purpose of claiming possession of the brig-schooner "*Aracaty*" captured.

(Signed) GABRIEL ANTONIO.

The above substitution was again substituted on the 18th of May, 1842, at Rio de Janeiro, by Pedro Jose Pereira Vianna, to Don Joao Manoel Pereira da Silva, for the same purpose above declared.

(Signed) PEDRO JOZE PEREIRA VIANNA, Merchant.

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Twelfth Enclosure in No. 196.

Extracts from the Examinations.

The First Witness.

Manoel Joaquim da Silva, 32 years of age, a Brazilian subject, swore—that he made his agreement at Pernambuco; that it was not for bringing slaves. Being told that it was evident from the ship's papers that she had brought Africans, and had already landed them when she was captured, as was seen by the indications on board, he replied, that the vessel had not brought slaves. Being asked on what day he left Angola, he replied, that he did not know; being further asked the reason of there being a difference of a few days between the date of the clearance of the vessel and that on which her log was begun, indicating that the interval was employed in receiving Africans on board, he answered, that the vessel had been becalmed all that time, and had not received any slaves on board. Being asked with whom he had made his agreement at Pernambuco, he answered, with the owner, whose name he did not recollect. Being asked whether the vessel had been at anchor in any port in Brazil, as it appears from the minute made on board by the chief of police at Maceio, that on one of the ship's anchors there was mud of the place where she had been at anchor, as also some fruits, such as water-melons, &c. were found on board, proving that the vessel had communicated with the shore—he answered, that the mud on the anchor was brought on it from Angola, and that he had not seen the fruits; and further, that the brig had had no communication with the shore.

Second Witness.

Manoel Garcia, white man, native of Leon, and a Spanish subject, swore that he made his agreement at Angola with the captain; that nothing was then said as to bringing blacks, and that in fact the brig had brought none; and being told that on board of the vessel there was every indication of her having brought slaves, as is seen by the survey made before the chief of police at Maceio, he answered, that the vessel had brought no slaves; that the bad smell had proceeded from some rotten fish on board; that the wooden spoons belonged to the sailors, and that they never had a slave-deck on board. Being asked whether the vessel had had communication with the shore, &c. &c. (*vide* the questions put to the first witness), he answered, that the brig had had no communication with the shore, and that the fruits on board were purchased from a boat which passed them going to Pernambuco; and that the mud on the anchor had been brought from Angola. Being told that it appeared he was not telling the truth, inasmuch as it was seen by the papers in this process that the vessel had brought slaves, he answered, that he was speaking the truth, for the vessel had not brought slaves. Being asked whether the vessel, after leaving Angola, had remained some days to receive any cargo or slaves, there being a difference between the date of the clearance and that of the departure, he answered, that the vessel was becalmed on the first day, and afterwards had light winds and calms. Being asked how many voyages he had made to the coast of Africa, he answered, that he went from Pernambuco in the patacho "*Bom Successo*," in the year 1840, and remained there until now, when he was returning in the "*Aracaty*."

Thirteenth Enclosure in No. 196.

(Translation).

Defence of the Aracaty.

To the Illustrious Members of the Mixed Brazilian and British Commission.

I APPEAR before you this day to defend the Brazilian brig-schooner "*Aracaty*," detained on suspicion of having brought slaves from Africa to Brazil, brought to this port, and now submitted to the cognizance of the wise and enlightened tribunal of the Mixed Brazilian and English Commission.

In the first place I must acknowledge that my confidence is great in presenting myself to judges so worthy, and who have honoured me with the greatest benevolence.

In the last two years not fewer than six Brazilian vessels have been detained by British cruisers, and submitted to your cognizance, of all which I have been the defender. In their defence I have constantly supported the rights of Brazilian citizens, and I must declare that in this tribunal I have always met with support, and not one of them failed to be acquitted, and delivered to their owners. This continued series of judgments the most just, this faithful and impartial execution of the law, this careful support of the political and civil rights of the citizens, while it adds renown, "prestige," respect, and consideration to the tribunal, animate with hope those who come to advocate before you the rights and justice of their clients.

If, on the one hand, the injustice of the detention of the brig-schooner "*Aracaty*" be equal to that of the "*Castro*," the "*Alexandre*," the "*Nova Aurora*," the "*Pompeo*," the "*Recuperador*," and the "*Convencao*;" looking at the question as a matter of fact, on the other hand, however, a new and preliminary question, one entirely of right, marks the difference in situation and arguments, and constitutes the main foundation of the present defence.

It is principally to this question of right that I am obliged to call for all your attention. It is in this question of right that I hope to see, public and manifest, the impartiality of which this tribunal has given no equivocal proofs; not that there be wanting recourse of defence as to the question of fact, which, as well as in regard to the ships already mentioned being in an identical

position, the "*Aracaty*" ought to be acquitted, and like the others (vessels) restored to her owner; but because I consider the question of fact as secondary, and I intend to treat of that of right in greater detail.

The Brazilian schooner "*Aracaty*," being on a voyage from Angola to Pernambuco, was on the 18th day of March of the present year, at the distance of three miles from the shore, near Jaragua, in the province of Alagoas, fallen in with by the Brazilian schooner-of-war "*Fidelidade*," of which Felipe Joze Pereira Leal, first-lieutenant of the national navy, is commander, who, after having visited and examined her, suspected that she had brought slaves from the coast of Africa to Brazil, and in consequence captured her.

The following is the fundamental question of right:—Which is the competent tribunal in Brazil to adjudicate the brig-schooner "*Aracaty*?" Can it be the Mixed Brazilian and English Commission, an exceptional tribunal, created in virtue of a diplomatic treaty, or should it be the ordinary tribunals of the country? Under the treaties, and the legislation of the country, it appears to me clear that the adjudication of the brig-schooner "*Aracaty*" does not appertain to this Mixed Brazilian and English Commission; and that its only duty, impartial and just as it is, is only to declare, by its respectable sentence, its own incompetence.

The brig-schooner "*Aracaty*" was detained, as the captor admits, at a distance of three miles from the land—the first question which should engage us: the brig-schooner "*Aracaty*" was detained by a Brazilian ship of war—the second question, which is equally important; and both of which prove the incompetence of this tribunal.

It is a principle admitted by all nations, and adopted in all periods and circumstances, as an admitted principle of the right of nations, that those seas are territorial, and as such considered a part and continuation of the territory itself, which may comprise a distance within reach of cannon-shot along the coast of any nation, even if there be no battery. Vattel, in his excellent treatise on the Rights of Nations, book the 1st, chapter 23rd, par. 289; and Martens, book 1st, title 50th, lays down this principle, previously maintained by Selden, Grotius, by Hubner, and by Galiano, and recommended in our Alvará of the 4th May, 1805, paragraph second. The ancient authors made a similar distinction between what they called open sea and *clausum*, or territorial sea; the former belonged then, as at present, to all people, to every nation; the second belonged properly to the people whose territory it enclosed.

A vessel detained in the open sea is in a different hypothesis from that of a vessel detained in a territorial sea.

In the territorial sea a foreign cruiser has no right whatever to detain vessels or make prizes, because it is as if they were made within the territory itself. With respect to the open sea, however, there may be treaties and diplomatic conventions authorising capture.

From these original principles arise the guarantees of neutrals. In the territorial sea of a neutral (the capture) of an enemy's ship is neither lawful nor a good prize. In the same way as a neutral flag covers foreign merchandize, so also the territorial sea defends and supports the ships which are upon it against the validity and condemnation as good prize of any capture. This principle has been, and is, so generally admitted, that there are many historical facts to prove it.

In 1654, on the coast of Spain, near Vigo, a Dutch squadron escaped from an engagement with the English (squadron) which Cromwell had sent to engage and destroy it, in order to oblige the United Provinces to acknowledge the flag of his Protectorate, and to abandon the cause of Charles II., and the English admiral respected the territorial seas of Spain as those of a neutral power.

In 1759 Admiral Boscawen, without respecting the neutrality of Portugal during the war between France and Great Britain, dared to burn some ships of the French squadron at the distance of four miles from the coast of Lagos, and the Portuguese minister of that day, the great Marquess of Pombal, wrote thus to Lord Chatham:—"I request your Excellency not to bring to my recollection the indulgent conduct which the Portuguese Government has pursued towards the British Government, but it has been such as I am not aware any power has practised towards another. It were just that this authority should at length terminate, and that we should show to all Europe that we have thrown off a foreign yoke: we cannot prove it better than by requiring from your Government a complete satisfaction, which cannot by any right be denied. France would consider us as being in an extreme state of weakness if we were not to give her some satisfaction for the damage which her squadron suffered on our maritime coast, where under every principle it ought to have been in security."

Such then is the power of this right over territorial seas, that it cannot be controverted, inasmuch as, even in the second article of the instructions for the guidance of English and Portuguese cruisers, and which are annexed to the additional convention of the 22nd August, 183 (*sic* in the original), added to the Treaty of the 22nd January, 1815, stipulated between the Portuguese Government and the British Government, now adopted by his Majesty the Emperor of Brazil, in virtue of the Treaty of 1826, it is positively prohibited to visit or detain any vessel suspected of having brought slaves, if she be within reach of cannon-shot from the shore, the cruiser who shall have seen her being allowed only the right of addressing representations to the authorities ashore, in order that they may cause her to be captured.

If now we inquire the distance reached by a cannon-shot, we find, according to John Mubler, in his Treatise on Artillery, page 44, that shot of the calibre of 48 reaches 2447 Portuguese bracas (fathoms), that is, to almost 3 miles. According also to the authority of Vergniaud, in his Engineer's Manual, there are cannon of the caliber of 64, which are now used at Gibraltar, Malta, and other strong fortifications in Europe, carry one-third more than those of the calibre of 48, that is, to 3462 and two-fifths bracas (fathoms), and, therefore, more than three miles, and almost two French leagues. Launay, in his Military Manual, confirms this fact.

It is well also to observe that M'Culloch, in his Dictionary of Commerce, says, under the head of Capture—Prize—that the reciprocal independence of sovereign states prohibits capture at the distance of two French leagues from the coast of neutral countries, considering these two leagues as territorial seas; an opinion maintained also by Blanqui and Maguilot in their Dictionnaire du Droit Publique Universel and Dictionnaire du Commerce. For the greater development of this idea I will refer to the French law of the 4th Germinal of the second year, title the second, article third, upon maritime commerce and custom-houses, which declares that the territorial seas of France are all those which extend as far as two French leagues from her coasts.

There can, therefore, be no doubt that the brig-schooner "*Aracaty*," according to the declaration of the captor himself, in the competent documents presented to this Commission, was detained in the

territorial seas of Brazil, seeing that her detention took place at three miles distance from the coast of Jaragua. Now follows the second question, which turns upon the detention of the brig-schooner "*Aracaty*" being effected by a Brazilian ship of war.

The nature of the Mixed Brazilian and English Commission shows at first sight that it is competent only for cases of controversy between British and Brazilian subjects engaged in the traffic, that is, in questions of Brazilian ships detained by English, or of English detained by Brazilians. This interference of the two nations and of the two Governments calls for, in order to elucidate contentions of interests belonging to subjects of different states, Commissary Judges of the two Governments, who can only take cognizance of legal questions between Englishmen and Brazilians. As soon as this first and fundamental condition of collision is wanting, the competence of the exceptional Commission disappears.

The very letter and spirit of the Treaties existing between Brazil and Great Britain establish this idea.

On reading the fifth Article of the additional Convention of 1817, it is seen that the two high contracting parties mutually agree that the ships of war of both navies may visit the ships of both nations, and they also oblige themselves reciprocally to indemnify, in lieu of the captor, any ship which may be adjudged a bad prize.

In order that the Brazilian Government should authorise one of her cruisers to visit Brazilian merchant vessels, no contract was necessary with Great Britain, and vice versâ. What the two high contracting parties agreed to was, on the part of Brazil, that the English cruisers might visit and detain Brazilian ships; and, on the part of the British Government, that Brazilian cruisers might visit and detain English ships.

An English ship, even if suspected of the traffic, detained by a British cruiser, cannot be tried by the Mixed Brazilian and British Commission, or by any other Mixed Commission, as, for instance, by the Portuguese and English Commission existing in Sierra Leone. It must be a tribunal of its (the ship's) own country; it must be an English Court of Admiralty, which shall judge it, and, in fact, in such an occurrence it will judge it, inasmuch as the English do not yield an atom of their rights. And if the Mixed Brazilian and English Commission at Rio de Janeiro should dare to arrogate to itself the right of judging an English ship detained by an English cruiser, there would be no reason why the Mixed Portuguese and English Commission at Sierra Leone should not also claim the adjudication of a similar case, and if priority of existence formed valid motives, the second (named Commission) ought to be preferred. But how would the question be decided? These observations prove the absurdity which would ensue in case it should be understood that an English ship detained by an English cruiser could be subjected to the Mixed Brazilian and English Commission, and under the same hypothesis in identical circumstances comes, without doubt, the fact of a Brazilian ship detained by a Brazilian ship of war.

The agreement reciprocally made by the contracting parties was, that an English cruiser might detain a Brazilian merchant ship, and a Brazilian cruiser an English merchant ship, and, in this case, in this conflict of different and opposing interests, when on one side appeared a British subject and on the other a Brazilian subject, in such a case only are the Mixed Brazilian and English Commissions competent, they being composed of judges of both the nations to which the litigating parties belong.

Further this same genuine and literal interpretation is the only one which can be deduced from the first Article of the Regulation No. 3, for the Mixed Commissions, dated the 28th of July, 1817, signed in London, when it treats of the decision on the legality of capture in the first paragraph, and on the indemnities which the captured vessel ought to receive in case of being liberated, paragraph second.

How could it be possible that the Brazilian Government should compromise itself to the English Government, to pay indemnities to Brazilian merchant vessels? It may have bound itself, and that is what it did, to pay indemnities to English merchant ships detained by Brazilian cruisers, and adjudged to be bad prizes by the respective Mixed Brazilian and English Commissions, and *vice versâ*, the English Government in respect to Brazilian merchant ships detained by English cruisers, and declared to be bad prizes.

The English Government has no concern, nor could have any, nor was it a matter of Treaties or diplomatic conventions that the Brazilian Government should engage itself to England to pay Brazilian subjects. It would be the same as if Great Britain should engage to Brazil to pay to British subjects who are beyond the sphere of the attributes of the Brazilian Government, and it is clear that such an interpretation would imply complete absurdity.

It is also observable that the constitution and nature of the Mixed Commissions, according to the general principles of universal public right and that of nations, strengthen so much my observations, and that the letter and the spirit of the Treaties subsisting between Brazil and Great Britain are so much in conformity with the opinion which I maintain, that already in 1837 a similar detention, identical in every respect to the brig-schooner "*Aracaty*" took place, and it was not the Mixed Brazilian and English Commission which took cognizance of it. Of this fact I annex a document worthy of credence, and unanswerable (as to this occurrence), being an official document which establishes it superabundantly.

By it is seen that Frederick Mariath, post-captain and commander of the Brazilian corvette "*Regeneração*," detained the brig-schooner "*Eugenio*," at the distance of six miles from the island of Stamaraca in the province of Pernambuco, on suspicion of having brought to and landed at that place slaves from Africa, and brought her (the brig-schooner) to Rio de Janeiro; the Brazilian Government referred this question direct to the Judge of the Peace of the first district of Santa Pietta in this capital, that is, to the ordinary tribunals of the country, and not to this Mixed Brazilian and English Commission, which was not competent, and which, therefore, did not take cognizance of this detention.

This precedent is the most powerful argument which I could adduce for my cause, and of course I avail myself of it, and present it for your consideration. I ought also to remind this Commission that in 1840 there was sent to it, from the office of the Secretary of State for Foreign Affairs, the case of a launch, with 47 slaves, belonging to a Brazilian citizen, which had been taken by the Brazilian schooner of war "*Lebre*," in order that you should take cognizance thereof; and you yourselves were the persons who declared yourselves by your respectable sentence incompetent, on the ground that the launch

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was to be considered as the property of Brazilians, and that the seas in which she was taken were territorial seas.

How in view of such powerful arguments, of such strong precedents, can I expect any other decision than declaring the incompetency of this Mixed Commission, not only on the ground that the detention of the brig-schooner "*Aracaty*" took place in the territorial seas of Brazil, but also that it was effected by a Brazilian schooner.

The question of right thus becomes clear, elucidated, and decided. I might here conclude the defence with which I am charged, inasmuch as, for what relates to this Commission, it is complete; as, however, I pique myself on removing any suspicions which might arise from the detention of the brig-schooner "*Aracaty*," and which may be unfavourable to the credit of her owner and master, I shall proceed to the question of fact, and I shall respectfully request of you, Gentlemen, a few minutes more of attention.

The brig-schooner "*Aracaty*" is Brazilian built, and the property for many years past of Jozé Antonio Alves da Silva, a subject of His Majesty the Emperor. Her papers and ship's documents fully prove and substantiate this, being the passport, the roll, licences, &c. annexed to the process.

Having sailed from Angola in ballast of sand, as her manifest shows, and pursuing her voyage to Pernambuco, she was detained by the First Lieutenant Felipe Jozé Pereira Leal.

In the minute of detention the captor declares that, finding on board vestiges and indications that the ship had brought slaves from Africa and landed them in Brazil, he detained her, and took her to Maceio.

In the examination, or "*corpo de delicto*," to which the chief of police of the province of Alagoas proceeded, two persons employed in the Custom-house acting as "*peritos*" (surveyors), it is declared to be vestiges or indications the following facts, and which rendered the vessel suspicious to the captor:—1st. The bad smell on board, accompanied by the appearance of a multitude of flies. 2nd. Six large tubs, which had contained salt fish and meat, of which there were small remains. 3rd. Number of chocks fit for stowing water-casks. 4th. A boiler with pitch. 5th. Vestiges of slave-decks. 6th. A large cabin with large stores, which showed that they had contained provisions. 7th. Great number of wooden spoons. 8th. The masts unwedged, and the mainmast without cap, which, in his opinion, proved that she was ready to make all exertion to escape. 9th. The finding of two letters, which speak of remittances of bales of merchandise, &c. &c. 10th. That the anchor was still muddy; that there were on board fresh fruits, water-melons, fresh water, leaves of mangrove, and two bills of exchange accepted in Pernambuco, dated the 15th of March, which demonstrated that she had had communication with the shore, and the escape of the officers and crew.

Here it is proper to say in the first place that the captor exceeded the instructions which he had as a cruiser authorised to detain merchant-vessels. The third Article of the Additional Convention of 1817 declares positively that the cruisers are to be furnished with the instructions of their Government, which are annexed under the same date to the Convention with the Regulation No. 3, for the Commissions.

In these instructions the first Article prohibits very decidedly the detention under any pretext of any ship on board of which slaves brought for the traffic are not actually found. The fifth and sixth Articles of the Convention strengthen this article of the Instructions for cruisers, and the First Lieutenant Leal must know that he ought to be furnished with them.

But how did he dare to exceed the limits which were prescribed to him? Had he no examples before him? Did he perhaps not know that the ship "*Eugenia*," detained by Post-Captain Marryat, was acquitted, and delivered to her owner, by the ordinary justices of the peace? That the vessels detained by the British cruisers without slaves on board have also been acquitted by the Mixed Brazilian and English Commission? Did he perhaps not know that the indications or the presumption, however strong they be, cannot, as is expressly determined in the 36th Article of the Criminal Code of the empire, bring against the accused or the suspected either condemnation or any penalty, and thus become necessary proofs, as clear as our penal legislation requires, in order that a citizen may be deprived of his fortune, his liberty, or his life? Did he not also know the insignificance of the indications by him found? The captor, however, says that the vessel had communication with the shore, and that the presence of the first nine indications convinces him that slaves had been landed from on board of her. Indeed! because the vessel had communication with the shore, changed her water, refreshed, taken on board fruit, ought the officer who was as near as three miles from the shore immediately to infer that she had landed slaves?

How many ships going from one port to another put in elsewhere and refresh, before they arrive at their destination? How many driven by necessity, or merely in pursuit of pleasure, being near the shore, land and do not refrain from enjoying for a moment the good things which the coast furnishes? And with much greater reason a ship arriving from Angola, which had already been 42 days on her voyage, and which comes within sight of the shores of Brazil.

The captor also says that the escape of the officers and crew, who abandoned the ship, strengthens his supposition. What is the surprise of the First Lieutenant Leal? Did he not himself acknowledge that he at first hoisted the English flag?

Does he not know that the arbitrary acts committed on board of our merchant ships by the commanders of British ships of war have impressed them with such terror, that, rather than be prisoners to them, to suffer their insults, to bear their irons, or to put up with their despotism, they prefer to abandon their vessels and their fortune, however lawfully obtained?

Does the First Lieutenant Leal not know that, whether in regard to vessels employed in the coasting trade, or even large vessels, although they be engaged in lawful commerce, whether Brazilian or Portuguese, and that they if only visited, and not detained, suffer much, merely by such visit, on the part of the English cruisers? How therefore does the captor not account for the escape of the crew of the "*Aracaty*" on his approach to her? How could such escape increase his suspicions, being so natural as soon as he hoisted the British flag? And here I must severely censure the proceedings of the First Lieutenant Leal, which for an officer in the Brazilian navy was not frank. That English cruisers should avail themselves of treachery, of unworthy snares, condemned by public morality, in order to capture ships which they suspect, is not surprising, as their interest, that of their possessions in Asia, obliges them to have recourse to all means for reducing and bring to decay the agriculture of Brazil

and of Cuba, which gives them so much anxiety and terror by the daily progressive and rapid development of those countries. But that Brazilian cruisers should dare to place the leopard of Great Britain on that mast which should always preserve glorious and honoured the flag of His Imperial Majesty, is unpardonable behaviour, and, in my opinion, so much the more deserving of grave censure, as it occasioned the flight of the crew of the "*Aracaty*," and the abandoning of the ship, which cannot fail to cause losses to my clients.

Further, all the indications—from the first, that of the bad smell, to the eighth, of the masts without wedges—cannot convince us of the veracity of the captor's opinion. What! because there is a bad smell in a ship; because on board of her were found remains of salt beef and of fish in tubs, a boiler in which there was tar, wooden spoons, chocks for securing water-casks, a large cabin, which appeared to him a store for provisions; masts without wedges, and vestiges which are not specified, such as a slave-deck; whereas commonly vessels built in Brazil, by reason of the timber used, and examples of which this Commission has seen before, present an unequal surface in the interior, and which ought not therefore to be suspicious; and can it be credited, that from facts so common, and which are of ordinary occurrence in licit voyages, the "*Aracaty*" brought slaves?

The weakness of such indications is clearly shown, nor can they be strengthened. The finding of two letters, sent from Angola to Pernambuco, and alluding to certain transactions in remitting packages, be such transactions considered lawful or not, the bringing of such letters cannot be imputed as a crime to the ship, such letters not having any reference to the vessel, but to transactions long since concluded, and by other vessels; in fact, letters which were given for conveyance to the master of the vessel, and of the contents of which he must have been ignorant.

A further proof that the voyage of the "*Aracaty*" to Pernambuco was lawful, and quite free from suspicion, is, that whatever articles were found on board of a suspicious nature, ought not to be so, for the muster-roll declares that she was ballasted with sand; and in fact in the survey which took place before the Chief of the Police of Alagoas, it is declared that a large quantity of sand formed the ballast of the vessel.

I have sufficiently discussed both the question of right and that of fact, comprised in the detention of the brig-schooner "*Aracaty*," both connected with the vessel, the defence of which I have undertaken, the analysing and elucidating of which questions give a favourable result to my client her owner.

The final judgment on this vessel does not belong to this Commission, not only because the ship was detained in the territorial seas of Brazil, but also because, being a Brazilian vessel, she was captured by a Brazilian man-of-war.

Whatever tribunal, however, may have to adjudicate thereon definitively, the sentence cannot be other than the acquittal of the vessel and her restitution to her owner, for the reasons which we have set forth, and which place the question in its true light.

Therefore whatever view, Gentlemen, you may take of the case, I entertain a hope that the vessel will be safe, and that I shall count another triumph.

To you, Gentlemen, I submit these considerations; relying on your benevolence and justice, and confident that neither will fail me.

I conclude, protesting for all prejudice, losses, and damages, against whomsoever it may concern.

(Signed) JOAO MANOEL PEREIRA DA SILVA,
Advocate of the Council of State.

Rio de Janeiro, June 22, 1842.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

To this defence is annexed a document relating to the capture of the Portuguese brig-schooner "*Eugenia*," by the Brazilian corvette "*Regeneração*," brought into Rio de Janeiro on the 8th of August, 1837, and acquitted by the Justice of Peace of Santa Retta on the 27th of October, 1837.

Fourteenth Enclosure in No. 196.

Vote of the British Commissary Judge.

THE Brazilian vessel "*Aracaty*," Manoel Jozé Fernandez, master, belonging according to the documents on board, to Joao Antonio Alves da Silva resident at Pernambuco, was on the 18th March, 1842, boarded off Cape St. Augustine, three miles from land, by the Brazilian man-of-war "*Fidelidade*," commanded by Lieutenant Felipe Jozé Pereira Leal, who was cruising under the orders of the Imperial Government to suppress African Slave-Trade. With this explicit declaration before the Court, and finding that the Imperial Government had itself sent the prize of the "*Fidelidade*" to this Court for adjudication, I assume, without hesitation, that this Brazilian cruiser was duly authorized to capture under the Slave-Trade Treaties; and that it is a proof of the earnestness with which the Imperial Government follow up their frequent declarations of a strenuous co-operation in those Treaties.

I take the following as the main facts of this case:—On the "*Aracaty*" being boarded, convincing evidence at once appeared that the vessel had very lately communicated with the shore, and had landed Africans; the clear proofs of these occurrences were afterwards most satisfactorily verified by the Brazilian authorities at Maceio. The proofs consist in the state the anchors and cables were found, showing that they had been recently weighed; wet sand ballast; water-casks, with evident marks of being recently filled; fresh Brazilian fruits on board; two promissory notes, with recent dates, from Pernambuco; and notwithstanding all these proofs of a communication with the shore, that fact was denied by the master and crew of the "*Aracaty*" when boarded, and also by the witnesses examined on oath by this Court, who, by attempting thus to conceal their guilt, followed the customary course of these unprincipled adventurers.

The proofs that slaves were landed are equally clear, and as satisfactorily verified, consisting of the remnants of negro provisions and utensils for their cooking and feeding, visible arrangements for stowing large quantities of provisions, and for the accommodation of a slave-deck; and in addition to all these vestiges, the strong smell in the vessel's hold afforded convincing proof that Africans had only very recently left it.

It further appears that after the "*Aracaty*" had been for some time under examination, and that all these proofs of the illegality of her voyage were noted, and her consequent detention evident; and after the officers and crew of the Brazilian man-of-war had for some time held intercourse with those on board the "*Aracaty*," and consequently after the character of the "*Fidelidade*" must have been well known to all on board the detained vessel, the master and part of the crew of the "*Aracaty*" took the first opportunity, while a search was going on in the hold after nightfall, to escape in the vessel's boat, themselves affording this further proof of their guilt. But this nefarious voyage is also traced to its commencement from the coast of Africa; for by comparing the date of the outward clearance (in ballast) from the port of Benguella with that of the commencement of the "*Aracaty's*" log, there is a difference of six days, the period during which the cargo of living beings was shipped; and to make the chain of evidence still more complete, the copy of a letter which was found on board the "*Aracaty*," evidently from the mate or pilot of that vessel, it is seen that the Africans were landed as slaves for account of persons at Pernambuco, though unfortunately the name of the person in the letter is too much obliterated to constitute legal proof against him; and that the vessel, after landing the slaves, proceeded round to Pernambuco. In the progress of the "*Aracaty*" to that her ultimate destination, it was that she was met and detained by the Imperial man-of-war schooner "*Fidelidade*," not at anchor in Brazilian waters, but three miles from land, pursuing her coasting voyage.

These are the facts of the case, showing undeniably that the "*Aracaty*" was captured after a successful slave-trading voyage.

The next point for consideration is, how the capture was made.

With regard to the authority of the Brazilian man-of-war, as required by the Treaties, I have above stated why I think that unquestionable.

As to the spot where the detention took place, and regarding which so much stress is laid by the claimants, there appears much research to vindicate an alteration in what has hitherto been the recognized meaning of the Treaties under which slave-vessels have been condemned in this Court, and much trouble appears to have been taken to complicate a very simple case.

The words in the second article of the instructions prohibit capture in ports or roadsteads, "or within cannon-shot of the batteries on shore."

There is no battery on the coast of Brazil that commands a sea range of three miles; if, therefore, a vessel be detained at a distance, allowing a distance of three miles of sea to intervene between her and the land, she is quite beyond and not within the reach of shot from a battery on shore; or, in other words, she is outside those territorial seas that are alluded to and ascertained by the specific means declared in those Treaties which have hitherto governed the proceedings of this Commission; these means are pointed out, and they can at once decide the fact, and are therefore independent of any further authority, ancient or modern.

Had the detention been *within* the three miles, there might have been grounds to suppose that the spot was not out of the reach of cannon-shot; but so long as the space of three miles intervenes, the spot is so clearly beyond the most extended space contemplated in those Treaties, that it can no more be admitted in this case than in others which were in identical circumstances as to distance from land adjudicated by this Commission Court without any doubt on the point. But even admitting that a distance of three miles from land would render a detention under the Slave-Trade Treaties by a British cruiser on the coast of Brazil valid, when a similar detention *within* that distance might not be so, still all those considerations appear needless when the detention is effected on the Brazilian coast by a Brazilian cruiser like the "*Fidelidade*," whose operations in such a service cannot, like a foreign ship-of-war, be at all restricted by a due observance and admitted respect for territorial rights, whether afloat or on shore.

I, therefore, come to the conclusion that the "*Aracaty*" was detained in conformity to the Treaties for the abolition of the Slave Trade; and that as the vessel was employed in that trade, I condemn her as lawful prize to the Brazilian man-of-war "*Fidelidade*," Lieutenant Felipe José Pereira Leal, to be sold for the benefit of both Crowns, in conformity with the existing Treaties between Her Britannic Majesty and his Imperial Majesty the Emperor of Brazil. Moreover, declaring that the owner, master, and crew of the "*Aracaty*" are all implicated in the illegal voyage of that vessel.

Having thus delivered my judgment on the case of the "*Aracaty*," I feel myself called upon to make the following remarks on the extraordinary defence of that vessel, presented to this Court by the person declaring himself proctor for the owner, to the end that, in the first place, some means may be devised for checking the novel inroad into the provisions of the Slave-Trade Abolition Treaties implied in a proposition of that defence, namely, that this Mixed Commission is not authorised to take cognizance of captures under the Brazilian flag by Brazilian cruisers acting in conformity with those Treaties; and in the second place, that some stop may be forthwith put in this Court to all insulting expressions towards either of the Crowns, parties to those Treaties, or towards the officers in their respective navies. In regard of the first point, that is, the hitherto undisputed competency of this Court to try all captures under the Slave-Trade Treaties, whether such captured vessels be British or Brazilian, and whether the vessels of war so detaining, according to the Treaties, be British or Brazilian, it becomes advisable to include in the sentence of the "*Aracaty*" a distinct confirmative declaration of the competency of this Court to act in all such cases, now that an attempt is made to restrict the action of this Commission by claiming exemption from its jurisdiction for a Brazilian slave-vessel, when captured by an active and meritorious Brazilian officer; and now that this proposition is, with the palpable object of encouraging the illegal undertakings of slave-dealers, boldly put forth through the press, by the proctor's publication of his defence in the newspaper called '*Journal do Commercio*,' of 26th June.

I will now remark on the second point, that is, the said proctor's censure on the commander of the Imperial man-of-war "*Fidelidade*," and on his expressions when alluding to Her Britannic Majesty's Government, as well as to Her Majesty's navy. The paragraph is as follows:—

"Enao posso deixar aqui de *censurar* o comportamento do primeiro Tenente Leal, muito pouco franco e leal para hum official da marinha Brasileira. Que cruzieros Ingleses uzem de *Fraicoes e laços indignos* para apprehender navios que suspetao seu interesse e interesse das suas possessoes asiaticas, os leva a desprezar todas as normas da decencia e moralidade publica, e a lancar mao de todos os meios para fazer decahir no Brazil a agricultura, essa agricultura nascente cujos progressos e desenvolvimento tantos sustos lhes cauzao. Mas que cruzeiros Brasileiros naquelle mastro aonde devera, por dignidade nossa, conservar-se sempre içada a Bandeira de S. M. I. ousassem colocar o *leopardo da Gran Bretanha* he comportamento indesculpavel e tanto mais para mim merecedor de graves censuras

quanto delle resultou a fuga da tripulação do 'Aracaty,' e seu abandono, de que resultao serios prejuizos aos meus constituintes."

I maintain that the proctor is totally incompetent to pass any censure on the professional conduct of the commander of the "Fidelidade," who, as a naval officer in the Imperial Service, is only amenable to that service for such conduct, and only stands in this Court to be questioned, not as to the means he may employ in seizing a vessel, but merely as to making the capture in accordance to the stipulations of the Treaties; and therefore I leave it to the judgment of my worthy colleague whether he deems it becoming to vindicate the professional character and estimation of the Brazilian naval service thus unwarrantably trifled with by the proctor in his defence of the "Aracaty."

The expressions, however, which that proctor has used in alluding to her Britannic Majesty's flag, as well as to the British Government, though not novel with him, similar and even worse having been made use of by him on other occasions, as have appeared in print, and though not then within the sphere of any remonstrance from me, nevertheless assume now a very different complexion when deliberately put before me in this Court while discharging the functions of Her Majesty's Commissary Judge.

I consequently take this first public opportunity (since my verbal remarks on the first presentation of the defence) of declaring my strongest disapprobation of the improper and unwarrantable expressions used in reference to the flag of Her Britannic Majesty and to the British Government in a document first presented to this Court, and afterwards published in the newspapers under the avowed signature of the Advocate for the Council of State.

I trust that in bringing thus formally to the notice of my colleague the inexcusable conduct of this proctor, I shall find that my colleague agrees with me in the necessity of adopting forthwith effectual checks against insult to either of the Crowns interested in the proper proceedings of this Mixed Commission Court; and that to this end, he will require the proctor to apologise to this Court.

But should a becoming apology be refused, or should my colleague not coincide with me, there will be then no other course for us to pursue, but to submit to the consideration of our respective Governments my complaint, and the propriety of my demand.

Rio de Janeiro, June 30, 1842.

ROBERT HESKETH.

Fifteenth Enclosure in No. 196.

(Translation.)

Vote of the Brazilian Commissary Judge.

Rio de Janeiro, July 5, 1842.

THE Brazilian Commissary Judge having examined the present process on the detention of the Brazilian brig "Aracaty," by the Brazilian schooner-of-war "Fidelidade," on account of the strong indications on board of her having brought Africans, and of having recently landed them—indications which, being subsequently confirmed and established by the examinations made on board of the same brig, as also by that made by the chief of police, after she had anchored in the port of Maceio, has no doubt whatever as to her just detention; but, seeing by the report of the commander of the above-mentioned schooner-of-war, that the capture took place three miles distant from the shore, that is, within reach of cannon shot, and according to all principles of the laws of nations within the territorial seas of Brazil, he cannot consider this Mixed Commission as being competent to decide on the validity of an act, which although it may be lawfully done by a national vessel of war, in no way offending the territorial rights of Brazil, nevertheless he cannot recognise the said Commission as a competent tribunal for its final adjudication, and, on the contrary, he is of opinion that all the papers relative to this question be returned to the Imperial Government, for the purpose of giving to them the proper direction in conformity to the laws of the country.

(Signed)

JOAO CARNEIRO DE CAMPOS,

Brazilian Commissary Judge.

(A true translation.)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Sixteenth Enclosure in No. 196.

(Translation.)

Copy of some Articles of the Session of the 5th July, 1842.

THE British Commissary Judge *ad interim* read a translation of his vote in regard to the Brazilian brig "Aracaty." (Here followed a translation of the vote.)

To which the Brazilian Commissary Judge replied by the following vote. (The vote was here inserted.)

The Brazilian Commissary Judge not agreeing therefore with his British colleague in regard to the competence of the Commission for the adjudication of this prize, for the reasons which he has just stated, is nevertheless of opinion, as relating to the concluding part of the proctor's defence, that a rule be established, to the end that for the future no allegations or petitions be admitted containing offensive expressions towards the sovereigns of the two nations, the secretary being authorised, with the concurrence of the British judge, not to receive papers couched in terms similar to those used in the defence.

(A true copy.)

(Signed)

BRAZ MARTINS DA COSTA PASSOS,

Secretary to the Commission.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Seventeenth Enclosure in No. 196.

(Translation.)

*Minute made by the British Arbitrator.**Rio de Janeiro, July 7, 1842.*

HAVING to give my vote in the case of the brig "Aracaty," in pursuance of the lot drawn on the 5th instant, by reason of difference of opinion between the Most Illustrious Commissary Judges, and it being necessary to make up my mind, in order to the giving of my vote on the point in question between the same judges, that I should obtain an explanation in regard to the distance from the shore at which the "Fidelidade" captured the "Aracaty," the information of the officer on this point admitting of being more exact than the words which he used, that is, "three miles, *more or less*, from the shore."

Wherefore, I submit to the Illustrious Commissary Judges that it appears to me expedient that the Imperial Government should be solicited to obtain the best information from the commander of the brig-schooner "Fidelidade," or from the prize-master, in regard to the exact distance from the shore at which the capture was made.

(Signed) FRED. GRIGG.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eighteenth Enclosure in No. 196.

(Translation.)

Explanatory Deposition made by the Prize-Master.

On the 9th of July, 1842, in this very loyal and heroic city of Rio de Janeiro, and in the Court of the Mixed Brazilian and British Commission, in the presence of the Commissary Judges, and of the British Arbitrator of the same Commission, at its request appeared the second lieutenant Henrique Pires Branco, prize-master of the Brazilian brig "Aracaty," who being asked, under the oath which he had previously taken, whether the declaration made by the commander of the brig of war "Fidelidade," in regard to the distance of three miles, a little more or less, from the land, at which he detained the brig "Aracaty," is to be understood as a distance from the land greater or less than the three miles referred to, inasmuch as the said commander did not point out the distance in question with the requisite exactness. He answered, that he referred to the statement made by the commander, and that it (the distance) appeared to him to be more, and not less, than three miles. And he signed, with the said Commissary Judges and Arbitrator, after the reading to him of the present (minute), which he found correct.

Braz Martins Costa Passos, secretary to the Commission, wrote it.

(Signed) HENRIQUE PIRES BRANCO,
Second Lieutenant.

ROBERT HESKETH.

CARNEIRO.

FRED. GRIGG.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Nineteenth Enclosure in No. 196.

(Translation.)

*Vote of the British Arbitrator.**Rio de Janeiro, July 13, 1842.*

HAVING attentively considered the proceedings in the present case of the brig "Aracaty," it appears to me that the Illustrious Commissary Judges are at issue only upon one point of the question, namely, whether the brig, which is superabundantly proved to have been engaged in a slaving voyage, were, or were not, captured by the Imperial schooner "Fidelidade," at such a distance from the shore as to preclude this Commission from the right of deciding the case.

Upon this point, it became my duty to obtain precise information from Senhor Henriques Pires Branco, lieutenant of the Imperial schooner "Fidelidade," and prize-master of the "Aracaty," who answered on oath, that it appeared to him that the distance of the "Aracaty" from the shore, at the time of her capture, was more, and not less than three miles.

It appears to me, therefore, that the distance in question does not bear out the hypothesis that the capture was made at such a distance from the shore where the respect due to the inherent rights of the empire would preclude this capture from any action on the part of the Mixed Brazilian and British Commission for the abolition of the Slave Trade; but on the contrary, as the locality of the capture exceeds the distance of three miles from the shore, I am of opinion that the said Commission has not only a right to decide the entire case, but also that it is indeed imperative upon the Commission so to do.

(Signed) FRED. GRIGG.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Twentieth Enclosure in No. 196.

Second Vote of the Brazilian Commissary Judge, condemning the "Aracaty."

(Translation.)

Rio de Janeiro, July 14, 1842.

THE Brazilian Commissary Judge, in view of the declaration just made before this Commission by the prize-master of the Brazilian brig "*Aracaty*," that the detention of this brig by the Brazilian schooner-of-war "*Fidelidade*" took place at a greater distance than three miles from the shore, thus explaining the doubt brought forward by the British Commissioner of Arbitration with reference to the report made by the said commander of the "*Fidelidade*" of having captured the vessel at three miles distance from the land, little more or less, does not hesitate to retract his first vote in that part declaring the incompetence of this Commission to adjudge the validity of this prize, and is of opinion, as the adjudication is of its competence, in view of the above-mentioned declaration, that the brig in question be condemned, in virtue of the first of those articles annexed to the Convention of the 28th of July, 1817, dated on the 15th of March, 1823.

(Signed)

JOAO CAMEIRO DE CAMPOS.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Twenty-first Enclosure in No. 196.

Sentence.

(Translation.)

Rio de Janeiro, July 16, 1842.

By the present proceedings it is seen that the Brazilian brig-schooner called "*Aracaty*," Manoel José Fernandes, master, and the property of the Brazilian subject Joao Antonio Alvares da Silva, of the province of Pernambuco, was detained on the 18th of March of the present year by the Brazilian brig-schooner-of-war "*Fidelidade*," Felipe Jozé Pereira Leal, commander, at the distance of three miles, a little more or less, from the coast, in sight of Cape Saint Agostinho, on suspicion of having brought Africans from Loanda, and of having landed them on the said coast. It is seen by the captor's declaration, and by the survey made on board the said brig after her having come to an anchor in the port of Maceio, by order of the President of the province of Alagoas, in the presence of the Chief of Police, of the "*Guarda Mor*," of the Custom-house, and of the Surveyors appointed for that purpose, that on board of the said brig there was an extraordinary bad smell—peculiar to Africans, a quantity of biscuits, casks of salt beef, remains of dried fish, a great number of chocks, used for securing water-casks, a boiler, with which it was perhaps intended to fumigate the hold with tar, for the removing of the bad smell which exhaled, many wooden spoons, still showing that they had been used by a great number of people, and all the vestiges of a slave-deck which had been recently broken up; that the said vessel, previously to her detention, had had communication with the land, and had effected the landing of Africans, inasmuch as, besides their being found on board some water-melons, oranges, mangoes, and other fruits of the country, two bills of exchange, drawn at Pernambuco on the 15th of last March, one for 601 mil 170 ríes, and the other for 500 milríes, probably proceeds of the sale of the said Africans, there were other vestiges, such as ballast of sand, still wet, proving that it had been taken on board shortly before, and on one of the flukes of the anchor mud peculiar to the part of the coast where she had been at anchor, the bungholes of some of the water-casks being stopped with the fresh bark of the mangrove, without the long-boat being on board, having perhaps been left on shore.

Seeing all these circumstances, which, added to that of the precipitate escape of the master, the mate, the boatswain, and three sailors, while the officers of the brig-of-war were engaged in the hold in making the requisite examinations, there is no doubt that this vessel was engaged in the illicit traffic in Africans, and that in such case she comes under the first article of those additional to the Convention of the 28th of July, 1817, bearing date the 15th of March, 1823, and forming an integral part of the Convention of the 23rd November, 1826.

No attention is due either to the allegations advanced by the advocate for the said vessel, that she had been detained in the territorial seas of Brazil, three miles from the shore, inasmuch as according to the declarations made by the lieutenant prize-master it is seen that the distance from the land was more, and not less, than the aforesaid three miles, and consequently beyond gunshot; or to the argument, that the brig in question, having been captured by a Brazilian brig-of-war, her adjudication should appertain to the authorities of the country, because, besides there not being such a definition in any article of the Treaties, the constant practice of this Commission in the execution of the said Treaties has always been contrary to this argument.

Wherefore, seeing what has been set forth, the Undersigned Commissary Judges adjudge the detention of the said brig "*Aracaty*" to be lawful, and that she is a good prize to the Brazilian brig-of-war "*Fidelidade*," and they condemn her, with all the cargo on board at the time of the detention, in conformity to the aforesaid articles, and they declare the owner Joao Antonio Alvares da Silva, the master, Manoel José Fernandes, and the mate, Custodio Forjas de Lacerda, all Brazilian subjects, amenable to the first article of the said Convention of the 23rd November, 1826.

(Signed)

ROBERT HESKETH.

JOAO CAMEIRO 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. 197.

Her Majesty's Commissioners to the Earl of Aberdeen.

MY LORD,

Rio de Janeiro, August 8, 1842.

WE have the honour to place before your Lordship the enclosed copy of a Despatch, and its three enclosures, which we addressed to Her Majesty's Minister at this Court, complaining of the expressions made use of towards Her Majesty's flag and Government by Senhor Joao Manoel Pereira da Silva, the claimant's proctor, in his defence of the Brazilian brig "*Aracaty*" before this Commission.

We have, &c.

(Signed)

ROBERT HESKETH.

FRED. GRIGG.

The Right Hon. the Earl of Aberdeen,
&c. &c. &c.

First Enclosure in No. 197.

Her Majesty's Commissioners to Her Majesty's Minister.

SIR,

Rio de Janeiro, August 5, 1842.

THE case of the Brazilian brig "*Aracaty*" being closed in the manner we have already had the honour to notify to you, we feel called upon to make the following complaint against Senhor João Manoel Pereira da Silva, the proctor on behalf of the owners of the "*Aracaty*," for the abusive expressions in the defence which he presented to the Commission Court.

When that paper was first read, the British Commissary Judge *ad interim* remarked on the improper allusions to Her Majesty's Government and flag which it contained, and that such declarations were similar in aim and virulence to the printed speeches of the same person as a member of the Provincial Assembly; but the obvious check to such conduct, namely, that of refusing to admit such a paper into the Court, was deemed impracticable by the Brazilian members of the Commission, as no previous regulation had been made warranting its rejection, and consequently it was filed, and annexed to the process.

Nevertheless, so unwarrantable were the allusions in question, and so necessary was it deemed by the Commission to preclude any similar outrage in future on the decorum of the Court, that a minute was entered on its records, a copy of which we enclose, authorising the rejection of any paper containing expressions disrespectful to either of the crowns under whose authority the Commission acts.

But though the Commission be thus protected against a repetition of disrespect from the parties with whom it must communicate in the discharge of public duties, still we humbly conceive that some atonement or apology is due by Senhor Pereira da Silva, not on account of his speeches in the Provincial Assembly, regarding which he has perfect immunity, but because he has availed himself of his station as Advocate to His Imperial Majesty's Council of State for the purpose of giving greater weight to his unjustifiable statements in publishing his defence of the "*Aracaty*," as the Advocate for that Council.

In order to possess you, Sir, with the grounds of our complaint in regard to Senhor Pereira da Silva's paper, we beg leave to enclose the newspaper containing the publication referred to, with a copy of the vote of the British Commissary Judge *ad interim*, in regard to the conduct of Senhor Pereira da Silva, on which occasion the Commission declared that it was unable to require an apology from the proctor.

Some time ago we deemed it proper to report to Her Majesty's Secretary of State for Foreign Affairs the violent speech of Senhor Pereira da Silva in the Provincial Assembly, with our observations thereon, at which point our duty appeared to us to stop. But now that Senhor Pereira da Silva's abusive expressions are not only hazarded before the British Commissioners in the Court itself, but are also published by him, not as a proctor, but as an officer attached to the Council of State ("*Conselho d'Estado*"), we hope that the Imperial Government will not permit in future such an attempt to affix its high sanction to such a course, but on the contrary, that the Imperial Government will mark in some signal manner its disapprobation of the conduct of Senhor Pereira da Silva, seeing to what improper purpose the Advocate of the Council of State has applied the weight of his official station, and to what extent the perversion of such high influence encourages the continuance of an illegal trade, which that Government has so often stigmatised, and is engaged to abolish.

Under these circumstances we think it expedient to lay all these particulars before you, Sir, considering that they may be useful should you decide on taking any steps in relation thereto, previously to receiving any instructions from Her Majesty's Secretary of State for Foreign Affairs, to whom we are about to transmit a copy of this Despatch.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

(A true Copy.)

(Signed)

R. H.
F. G.

Hamilton Hamilton, Esq.
&c. &c. &c.

Second Enclosure in No. 197.

Vote of the British Commissary Judge in the case of the "*Aracaty*."

(See the Fourteenth Enclosure in No. 196.)

Third Enclosure in No. 197.

Copy of some Articles of the Session of the 5th July, 1842.

(See the Sixteenth Enclosure in No. 196.)

Fourth Enclosure in No. 197.

Extract from the "Jornal do Commercio," of Rio de Janeiro, dated June 26, 1842.

No. 198.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, August 26, 1842.**(Received November 14.)*

MY LORD,

WE have the honour to inform your Lordship that Mr. John Samo has this day taken the prescribed oath before the Minister of Justice and Chancellor of the Empire, Senhor Paulino Jose Soares de Souza, as Her Majesty's Commissary Judge in this Mixed Court of British and Brazilian Commission for the Suppression of the Slave Trade.

We have, &c.,
(Signed)

JOHN SAMO.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 199.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, August 27, 1842.**(Received November 14.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's circular Despatch of the 5th of July, 1842, transmitting for our information six copies of a Treaty concluded at Montevideo, on the 13th of July, 1839, between Her Majesty and the Oriental Republic of the Uruguay, for the Abolition of the Slave Trade, the ratifications of which Treaty were exchanged at Montevideo on the 21st of January, 1842.

We have, &c.,
(Signed)

JOHN SAMO.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

No. 200.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, September 15, 1842.**(Received November 14.)*

MY LORD,

IN reference to the British portion of the proceeds in the case of the "*Aracaty*," which we transmitted in our Despatch of the 12th instant, we have now the honour to submit to your Lordship the copy of a letter which we addressed to Her Majesty's Minister at Rio upon the unequal division of those proceeds.

We humbly request that your Lordship will instruct us upon this matter as soon as possible. In the meantime we shall be entirely governed by the opinion of Mr. Hamilton in any future case of the like nature.

We have, &c.
(Signed)

JOHN SAMO.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K. T.
&c. &c. &c.

First Enclosure in No. 200.

Her Majesty's Commissioners to Her Majesty's Minister.

SIR,

Rio de Janeiro, September 15, 1842.

HEREWITH we have the honour to submit to your Excellency copies of the accounts of the sale of the brig-schooner "Aracaty," condemned in the British and Brazilian Court of Mixed Commission on the 16th day of July last.

The amount received as the alleged portion of the British Government, 727,715 reals, has been remitted, in the usual way, to Her Majesty's Principal Secretary of State for Foreign Affairs.

But we deem it right upon this occasion to solicit your Excellency's attention to the deductions in the above vouchers, distinguished by a X, in red ink, placed against each item; all of which we interpret as contrary to Article 7 of the Third Article annexed to the Additional Convention of the Treaty of the 22nd of January, 1815.

That Article declares that "the vessel and cargo shall be sold by public sale for the profit of the two Governments." It is therefore evident that each party to the Convention shall receive the exact moiety of the proceeds, always deducting the expenses incurred for labour performed in selling and taking care of the property; but these items are taxes, charged upon the property under the denomination of Excise duties and stamps, which yield an additional portion to the Imperial Treasury, and thus give the Brazilian Government a larger share in the proceeds of sale.

Her Majesty's Judge can assure your Excellency that under the Treaties with the Netherlands, at the stations in Surinam and at Sierra Leone, all similar items are invariably exempted, and at the latter station the same course was pursued with respect to Brazil.

The practice of passing over these charges in former cases may be urged as a justifiable precedent; and in venturing to moot this question we are only desirous of ascertaining from your Excellency whether these objections should be insisted on in any similar instance.

We have, &c.

(Signed)

JOHN SAMO.

FREDERICK GRIGG.

Her Majesty's Minister at Rio de Janeiro,
&c. &c. &c.

Second Enclosure in No. 200.

AMOUNT of sale by public auction of the Brazilian brig-schooner "Aracaty," according to the Municipal Judges' accounts	1645	300
Deductions.		
+ 2½ per cent. ½ Excise duty	44	132½
2 per cent. to the appraisers	32	906
2 per cent. for deposit	32	906
Expenses incurred for advertisements in newspapers in the capital	2	960
3½ per cent. to the Judge, executor, his clerk, and door-keeper	57	585½
	167	490
	1477	810
Deduction.		
Petty expenses made by the Commission as per annexed account	22	380
	Rs. 1455	430
One-half belongs to H. B. Majesty's Government	Rs. 727	715

Mixed Brazilian and English Commission at Rio de Janeiro, 12th September, 1842.

(Signed)

BRAZ MARTINS COSTA PASSOS,

Secretary.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

Third Enclosure in No. 200.

AMOUNT of Expenses made by order of the Mixed Commission with the brig "Aracaty," viz.:—
1842.

X	July	1. Seal of the process for sentence	4	800
X	"	14. Ditto ditto	1	680
X	"	18. Boat-hire for the Marshal's going on board to notify the sentence	1	000
X	"	22. Seal of the sentence	4	560
XX	"	Ditto to the municipality		280
XX	"	Ditto to the Department of Justice	1	000
	"	26. To the Clerk for copying out the sentence	7	400
	Aug. 26.	To ditto for copying papers for the Attorney-General	1	660
			Rs. 22	380

In the absence of the door-keeper,

(Signed)

JOAO FRANCISCO DE MEDEIROS.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS,

Secretary.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

No. 201.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, September 17, 1842.**(Received November 17.)*

MY LORD,

WE have the honour to enclose the report and opinion of Her Majesty's Commissary Judge upon a petition for indemnities in the case of the vessel called the "*Nova Aurora*," of which case the details were given in the Despatch from Her Majesty's Commissioners to Viscount Palmerston, dated 17th of April, 1841.

As the Mixed Commission records did not contain any explanation of the delay, during the latter period of Mr. Consul Hesketh acting as British Commissary Judge, the Brazilian functionary M. de Campos was kind enough to offer in writing the document of which we herewith transmit a translation, and likewise a copy of Mr. Hesketh's reply thereto.

The particulars of the claim tendered to the Court upon the 18th of May last, and the minutes of the Sessions at which this case was noticed, we fear are too voluminous to complete the copies for the present opportunity, we therefore pray the indulgence of your Lordship for doing so in a subsequent separate Despatch.

We have, &c.
(Signed) JOHN SAMO.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 201.

Memorandum of Mr. Samo's opinion upon the Petition for Indemnities in the case of the "Nova Aurora."

September 14, 1842.

THIS is the case of a petition bearing date May 6, 1842, praying for indemnities on account of the illegal capture, by Her Britannic Majesty's ship "*Rose*," of a Brazilian vessel called the "*Nova Aurora*," which vessel it appears was restored to the claimants by the sentence of this Court, promulgated upon the 15th of April, 1841, in the following terms:

"Seeing what has been stated, the Commissary Judges adjudge the detention of the brig "*Nova Aurora*" to be illegal, and declare her to be a bad prize to Her 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."

I shall chiefly allude to the minutes of the process in this case as they appear upon the record.

In pronouncing the above sentence, the judges granted 30 days' time for producing the accounts of the claim for indemnity, and at the session of the 15th of May following, a *second* delay of one month was granted.

During this period difficulties arose between the claimants and the captors as to the delivery of the cargo; of some of these difficulties the Court took cognizance, inasmuch as they issued authority for the sale of the property, notwithstanding that its immediate restitution to the lawful owners had already been decreed.

But other obstructions to the execution of this sentence appear to have been permitted, owing in a great measure to the uncalled-for interference of some of the Brazilian functionaries charged with the fiscal regulations of this country, and it is much to be regretted that the Commissioners did not forthwith appeal to the ministers of the two Governments against such interference, which was manifestly contrary to the objects of the Treaty.

At the session held on the 13th of July following, a *third* delay of 20 days was granted for producing the particulars of the claim, but of this indulgence the claimants did not avail themselves, for I observe, that at a session of the Board on September 14 (being *two months* later), the proctor stated that other circumstances had taken place in regard to presenting his accounts; but no explanation was offered for their not being filed within the last period of delay, nor does it appear that additional time was asked for.

I will here state, that in the early part of the month of October, 1841, the British Judge quitted this station, and the vacancy caused thereby was supplied agreeably to the article of the Treaty in such cases. I refer to this, in order to show that the Court was always duly constituted and competent to discharge its functions under the existing conventions. The claimants did not follow up their suit for nearly eight months, when the petition now submitted for my consideration was brought into the registry, as appears by the following minute of the Session of May 18, 1842:—

"A petition from Don Joao Manoel Pereira da Silva, as proctor for Malhado and brother, owners of the Brazilian brig "*Nova Aurora*," presenting the accounts and documents of the claim for losses suffered by the unjust detention, amounting to 94,273,311 reis.

"These papers were taken by the Brazilian Commissary Judge for examination."

No further notice of this case appears to have been taken either by the British or the Brazilian Judge, until I had assumed my functions at this Board, when the petition, with the claim annexed, is exhibited to the Court at the instance of my honourable and respected colleague; and I am now required to consider this claim, of a vessel, which has been brought into this port for adjudication, nearly *eighteen months* ago.

It does not belong to me to review the reasons which governed my predecessors and my respected colleague in deferring their sentence as to the amount of indemnity in this case; but I apprehend that the Commissioners had no power under the Treaty to grant the delays which they did, and I am led to this opinion by the letter and by the spirit of the first article of the regulations of the Mixed Court, annexed to the additional convention to the Treaty of the 22nd of January, 1815. That article distinctly points out that the indemnification to be received shall be decided in 20 days (if practicable) from the date of bringing the vessel into port, and that in case of the absence of witnesses or the want of other proof, within the space of two months.

I cannot gather from the documents and papers before me, that any reasonable grounds existed for the delay of eighteen months which has been permitted in this case, and as the Slave-Trade Restriction Treaties between this empire and Great Britain, expressly limit the power of the Commissioners in that respect, I am satisfied that this petition cannot be entertained by this tribunal, and therefore the accompanying papers and vouchers must be returned to the proctor and attorney of Joaquim Joze Malhado and brother, the claimants in this case.

(Signed) JOHN SAMO.

Second Enclosure in No. 201.

(Translation.)

Rio de Janeiro, September 16, 1842.

THE Brazilian Commissary Judge being desirous of giving his worthy colleague the British Commissary Judge an idea of the reason why the indemnities petitioned for by the parties interested in the cargo of the brig "*Nova Aurora*," captured by Her Britannic Majesty's corvette "*Rose*," which was afterwards acquitted by this Commission, were not decided immediately on their being presented to the Court: declares that this having taken place when his predecessor no longer existed in the Commission, his duties being then discharged by the British Consul, acting in virtue of the stipulations of the Convention; he the Brazilian Commissary Judge said, on the occasion of receiving the "*autos*" (process) for examination, that it appeared to him that the Consul could not act as Judge in this case, because having, in his capacity of proctor for the captor of the brig in question, solicited and advocated the interest of the latter, he ought not to interfere as Judge for deciding the rights of the captured, an assertion to which the Consul made no objection.

That as the interested parties had not petitioned for any measure to remove this difficulty, which is not provided for in the Treaties, and as Mr. Samo was daily expected, he (the Brazilian Commissary Judge) did not consider it necessary then to address himself to his Government soliciting some measure in this respect, because besides that the interested parties (as is already declared) had not brought forward any claims upon this subject, he was also daily expecting the arrival of his worthy colleague for their deciding conjointly, and this having taken place, he hastened to lay this process before him on the very day on which he took possession of his place in the Commission.

(Signed) JOAO CARNEIRO DE CAMPOS.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

Interpreter to the Commission.

Third Enclosure in No. 201.

Rio de Janeiro, September 16, 1842.

THE Undersigned, Her Majesty's Consul at Rio de Janeiro, in answer to the application of Her Majesty's Commissary Judge of the Mixed Commission Court at this place, gives the following explanation of the circumstances attending the presentation to that Commission of claims for indemnities on the brig "*Nova Aurora*," on the 18th of May last, when the Undersigned was acting *ad interim* in that Court as British Commissary Judge.

The registrar declared that the proctor for the claimants, in the case of the "*Nova Aurora*," had that day presented claims for indemnities.

There was no question as to whether those claims were to be filed or not; nor did the Undersigned ever see the documents. But the Brazilian Commissary Judge declaring that the Undersigned, having acted as proctor in the case, could not be admitted to sit as Judge on the claims for indemnities, the Undersigned declined to oppose this opinion of the Brazilian Judge, because the period originally fixed for the presentation of these claims having expired before the departure of the British Commissary Judge who adjudicated the case, the Undersigned did not perceive any advantage in combating the opinion of the Brazilian Judge as to the disqualification of the Undersigned to decide a claim that had already been so long delayed by the claimants themselves, and had, for aught the Undersigned knew, been abandoned before the Undersigned was called upon to act for the absent British Commissary Judge.

(Signed)

ROBERT HESKETH,
Her Britannic Majesty's Consul.

No. 202.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, September 20, 1842.**(Received Nov. 17.)*

MY LORD,

ON the 18th of May, 1842, the proctor for the claimants in the case of the Brazilian brig "*Nova Aurora*," ordered to be restored by this Court, on the 15th of April, 1841, presented the accounts of claims for the losses which they alleged to have suffered by the unjust detention of that vessel, amounting to 94,273 rs. 311 fl.

That proceeding was duly recorded in a minute of session.

On the 17th instant Her Majesty's Commissioners addressed to your Lordship a Despatch relative to the delays which had occurred in regard to the claim in question; and on the same occasion Mr. Samo, in conversation, expressed an opinion that it was incumbent upon Her Majesty's Commissioner of Arbitration to have protested against such delay.

Upon this subject the humble opinion of Her Majesty's Commissioner of Arbitration is that, according to his duties, as far as they are at present defined, or upon record, he is not qualified to interfere, judicially or officially, in any case, unless it be in consequence of having been drawn by lot as an arbitrator in the case, inasmuch as such interference might not improbably be liable to more than one objection, viz., by the suitors, and, perhaps ultimately, by the Court itself.

In fact, and in the possible event of a formal disagreement between the Commissary Judges, and of recourse being had to arbitration, the lot might fall upon the Brazilian Commissioner of Arbitration, who might not consider himself bound by the previous proceeding of Her Majesty's Commissioner of Arbitration, while, on the other hand, it might be requisite on his part, after consulting the Commissary Judges, to revise, or perhaps to revoke, his own proceeding in the first instance.

Under these circumstances your Lordship will, we trust, allow us to hope that we may be honoured with your Instructions on this subject.

We have, &c.

(Signed)

JOHN SAMO.

FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.

&c.

&c.

&c.

No. 203.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, September 23, 1842.**(Received Nov. 18.)*

MY LORD,

WITH reference to our Despatch to your Lordship, of the 17th instant, relating to the case of the "*Nova Aurora*," and transmitting, with other enclosures, the report and opinion of Her Majesty's Commissary Judge, upon a petition for indemnities, we have now the honour to transmit a copy of a paper which the Brazilian Judge has since presented and recorded at the Session of the Court, held on the 20th instant, and a copy of the answer of Her Majesty's Judge, at the sitting of the 22nd of the same month, together with copies of two additional minutes of the same day.

Your Lordship will perceive that the Brazilian Judge proposed to have recourse to arbitration. Her Majesty's Judge was of opinion that the claimants had, by their own neglect and unauthorized delay, taken their cause out of the jurisdiction of the Court: he therefore did not feel warranted in referring to arbitration any question relating to this petition and claim.

My Lord, we venture to hope that the view taken of this novel occurrence may receive the sanction of your Lordship.

We take this opportunity to express to your Lordship how much we are

indebted to Her Majesty's Minister for the facilities which he has afforded us in obtaining his counsel and valuable assistance upon this and all other occasions.

We have, &c.
(Signed) JOHN SAMO.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 203.

(Translation.)

Opinion of the Brazilian Commissary Judge.

Rio de Janeiro, September 20, 1842.

THE Brazilian Commissary Judge has read with due attention the vote written by his worthy and respectable colleague, the British Commissary Judge, upon the case of the indemnities claimed by the parties interested in the brig "*Nova Aurora*," in virtue of the sentence of this Commission, which released and ordered the delivery of the same brig unjustly detained by Her Britannic Majesty's corvette-of-war "*Rose*," and he is sorry to dissent entirely from the principle which induces his honourable colleague to consider the pretension of the claimants for the liquidation of the said indemnities as inadmissible.

If the Brazilian Commissary Judge is right, he understands that the chief and perhaps the only foundation offered in that vote for the inference drawn therein, is merely and solely based in the period having elapsed within which the sentence of indemnities ought to have been given, and as a reason for drawing such inference, the doctrine, or rather the disposition of the 2nd paragraph of the 1st Article of the Instructions given for regulating the Mixed Commissions, is established as a rule.

It will therefore be upon this topic that the Brazilian Commissary Judge will have to offer some observations, amplifying and strengthening the same with what has been practised by this Commission, in those cases brought under his cognizance and adjudication.

In the first place, however, the above-mentioned 2nd paragraph of the 1st Article of Instructions may determine the time for adjudication; it refers merely to the first sentence, being that which is to be given as to the legality or illegality of the capture, and that it is only regarding the cognizance of the validity of the prize, and could be no otherwise; that that period was prefixed is unquestionably seen from the additional and hypothetic clause of security given to guarantee the expenses and dangers of delay, when any of the interested parties shall petition for it within the prefixed limits. Now, as the hypothesis must necessarily succeed the rule, it follows that when the first does not exist the latter has no force. As the high contracting parties considered that some cases might happen where the cognizance of the legality of the prize might require the obtaining of information and proofs which would demand further time for bringing them forward, they on that account moderated the rigour of the rule, and the circumstance of the fate of a vessel remaining for a long time undecided, with the faculty of prolonging the period for adjudication, in case of safe security being given.

And such circumstance, not being mentioned in the process and adjudication of the indemnities, it is clear that from the generality of the rule for the sentences of the prize, no argument can be drawn as regards the sentences for the liquidation of indemnities, in which process the disposition for the security admitted cannot take place, as the British Commissary Judge will admit.

In the second place, to corroborate this interpretation of the 1st Article as genuine and lawful, what is determined in the 6th and 8th Articles of the Instructions comes in its support, whereas the right of claiming indemnities is given to the captured in the 1st Article, even after the sentence of restitution is given; and in the 2nd it only refers to the 3rd Article, as to the adjudication and determination of the indemnities.

It is necessary to distinguish the sentence, in regard to the validity of the prize, from that of the liquidation of indemnities; the rigour of the rule applies to the first, and the latter is left to equitable consideration, particularly when, as in the case of the "*Nova Aurora*," the right to indemnities was immediately admitted in the first sentence, only the quantum remaining to be determined afterwards.

It is therefore upon these principles, and based upon the aforesaid interpretation, that this Commission has always proceeded, without any difference of opinion, as the British Commissary Judge may see by examining the competent registration of minutes. In the case of the brig "*Pompeo*," which was released by sentence of the 26th of October, 1839, the accounts of indemnities were presented on the 13th of March following, and the same were adjudged on the 3rd of July. In the case of the galliot "*Alexandre*," which was released on the 10th of September, 1840, the accounts were presented on the 5th of October, and the indemnities were adjudged on the 23rd of June, 1841; and, finally, in the case of the patacho "*Castro*," released on the 25th of June, 1841, the indemnities being claimed on the 11th of August following, the same were adjudged only on the 28th of September.

The Brazilian Commissary Judge, having thus shown to his honourable colleague the interpretation given, and the practice followed by this Commission, with reference to cases such as the present, an interpretation and practice which establish the doctrine of precedents, and which cannot be refused by want of an authentic interpretation, he might here finish his vote; but reading in that of the British Commissary Judge two assertions which want some explanation, he considers it his duty, if not to demand the same, at least to reply thereto, as far as such assertions come within the limits of the functions of his situation. The first is that in which the British Commissary Judge, speaking of the delay which took place in the execution of the sentence of restitution of the "*Nova Aurora*," appears to deny the interference of the Brazilian authorities charged with the fiscal regulations of the national treasury.

The Brazilian Commissary Judge is therefore sorry to find himself under the necessity of formally protesting against what may be called an accusation of the British Commissary Judge, and, to use his own expressions, is sorry that he should doubt the legality of the interference of these authorities in exercising the fiscalization of the duties belonging to the Imperial Government. The second assertion to which he refers is, as to the Commission being complete when the accounts in question were presented to the same; an assertion which implies another, that is, that the said indemnities might already have been adjudged when the British Commissary Judge took upon himself the duties of his situation, from which it seems as if some negligence was attributed to the Commission.

The British Commissary Judge will agree with his Brazilian colleague that the Commission may be complete, but not be competent. The Commission being complete refers to the number, and the competency refers to its legal capacity. Now it being a fact, as is seen from the process, that Mr. Hesketh had been proctor in the same process for the captors of the prize, the "*Nova Aurora*," there is no doubt that he was incompetent, according to positive natural right, as well as to that of nations, to be a Judge in an incidental case, in the principal cause of which he had been, or had appeared as a party. It results from this that its being complete, as is declared by the British Commissary Judge, is correct as to the number, but it is not so as to the legal capacity, and consequently as to its competency. Whatever else accidentally occurred for the extension of the adjudication of the indemnities, the Brazilian Commissary Judge has already candidly referred it to his honourable colleague, in the declaration which he addressed to him dated the 16th instant.

The Brazilian Commissary Judge does not pretend, nor ought he, to justify the delay which the claimants of the "*Nova Aurora*" had occasioned in bringing forward the account of indemnities, although there be not wanting plausible reasons in their favour, considering that the documents of justification had to come from another province, where they had to be copied from the archives of sundry fiscal departments; but he will maintain that—the right of correlative indemnities being once admitted by the sentence of restitution of the prize—this Commission has no longer means, authority, or jurisdiction to reject the indemnities stipulated by the Treaties, however their calculation or amount be not regulated according to the accounts presented, which can no longer be separated or extracted from the process to which they have already been ordered to be added, for by this act the Commission placed itself in the rigorous duty of deciding upon their merits.

(Signed) JOAO CARNEIRO DE CAMPOS.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Enclosure in No. 203.

Minute of British Commissary Judge.

Rio de Janeiro, September 22, 1842.

IN the case of the petition for indemnities for the detention of the Brazilian vessel "*Nova Aurora*."

I have carefully considered the opinion of my esteemed Brazilian colleague upon the petition of the claimants in this case.

That opinion seems to be based upon reasons assigned by him in the written note given at the session of the Court of the 20th instant.

I would remind my honourable colleague that the captors of the vessel in question have long ago quitted this country, and there is no one here to represent them, or to contest the claimant's demand.

I conceive that the present discussion resolves itself into the simple assertion, as to whether this tribunal can entertain this petition after such a lapse of time, and the Brazilian Judge proposes to have recourse to the Commissioner of Arbitration upon that point.

I apprehend that the more correct proceeding will be to leave the decision of that question to the Governments of the high contracting parties to the Treaties; and I feel confident in such line of conduct by the example of M. de Campos himself in the precedents of the "*Maria Carlota*" and the "*Recuperador*," in both of which cases that gentleman declined to have recourse to arbitration (as I am informed), and likewise refused to enter upon either of those cases until he had obtained additional instructions from the Brazilian Government.

And, inasmuch as I cannot persuade myself that this Court has any further jurisdiction in the case, I have only to assure my Brazilian colleague that the subject shall be laid before the proper British authorities with all possible despatch.

(Signed) JOHN SAMO.

Third Enclosure in No. 203.

Minute of Brazilian Commissary Judge.

Rio de Janeiro, September 22, 1842.

THE Brazilian Commissary Judge, seeing what his worthy colleague has set forth in respect to the doubt entertained by the latter, as to whether this Commission should give its sentence upon the indemnities for the brig "*Nova Aurora*," appearing by this to differ from the opinion of the Brazilian Commissary Judge, who understands that the said Commission having already recognised, in the sentence of restitution of the brig in question, the right which those interested in her cargo have to petition for the competent indemnities, cannot but recognise in the Commission the right, and even the duty of adjudging the indemnities petitioned for, as it may consider just. He therefore claims, in

that case, the execution of the dispositions of the Third Article of the Regulation for the Commissions, viz., to proceed to draw lot for the Commissioners of Arbitration, for the purpose of deciding—as the aforesaid Article declares—upon the present disagreement.

(Signed) JOAO CARNEIRO DE CAMPOS.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fourth Enclosure in No. 203.

Vote of the British Commissary Judge.

Rio de Janeiro, September 22, 1842.

THE British Commissary Judge has already recorded his reasons for not entertaining this petition, and in the paper of this date for refusing to adjudicate in this case, to which he respectfully again refers his honourable colleague.

The British Judge is compelled, therefore, to decline having recourse to arbitration under the present circumstances.

(Signed)

JOHN SAMO.

(A true Copy.)

No. 204.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, September 24, 1842.

(Received November 18.)

MY LORD,

We had the honour to report to your Lordship, in our Despatch of the 12th instant, that the proceeds of sale of the slave-vessel "*Aracaty*" and her cargo were brought into Court on that day.

The Brazilian Municipal Judge, charged with the disposal of the property confiscated to the two Governments by the sentence of the Court on the 16th of July, 1842, did not bring in the proceeds till the 10th instant, being an interval of eight weeks.

My Lord, this proceeding appears to us to have been equally irregular and injurious to the two Governments, in which opinion the Brazilian Commissary Judge seems entirely to agree.

Her Majesty's Judge, with a view to put an end to such mischievous delay, presented on the 10th instant, for the consideration of his Brazilian colleague, a draft of a rule of Court on the subject.

In the first instance the Brazilian Judge was disposed to agree to the proposed formula, and, at his suggestion, the two concluding paragraphs were to be omitted.

We lay before your Lordship, herewith, copies of the original draft and order, in which the above-mentioned paragraphs are restored, to which we add copies of the opinions of the two Judges, as presented on the 20th instant.

The Brazilian Commissary Judge explained, verbally, that he did not feel authorised to consent to the proposed regulation, or even to submit it to his Government, and he referred to the correspondence which took place upon a similar question, in the case of the "*Emilia*," which vessel was condemned by the Mixed Commission Court at Rio de Janeiro on the 31st of July, 1821.

We do not trouble your Lordship with copies of that correspondence, which were sent to the Secretary of State at the time.

Bearing in mind the instructions, since that period, from the British Government to its Commissioners upon the subject of delays in their proceedings, and particularly the instructions in Viscount Palmerston's Despatch of the 7th of March, 1840,

We humbly submit our opinion that delay, proceeding from any foreign functionary, in the execution of the sentences of this Court, or other obstacle to any of its lawful acts, is contrary to the true intent and meaning of the high contracting parties to the Treaty.

We have therefore communicated this Despatch to Her Majesty's Minister, for the consideration and concurrence of his Excellency in the proposed for-

mula, and, in the event of its being approved, to obtain his Excellency's aid to secure the assent thereto of the Imperial Government.

My Lord, should this measure be adopted, we conceive that it cannot fail of removing some of the very just complaints which have been made regarding the unreasonable dilatoriness of the proceedings of this Mixed Commission.

We have, &c.

(Signed)

JOHN SAMO.
FRED. GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 204.

Draft of the Order in its original state as presented by Her Britannic Majesty's Commissary Judge at the Session of the 14th September, 1842.

WHEREAS it has been found that unnecessary delays in the execution of the sentences of this tribunal have of late been of frequent occurrence, to the great hindrance of justice, and to the manifest injury of all parties to the suits before the Court; and whereas the proceedings of this Commission in all cases are required to be concluded within a certain space of time, as provided in Art. 1 of the Regulations of the Mixed Commission, annexed to the additional convention of the Treaty of 22nd January, 1815,

It is hereby ordered,—

That in all cases wherein the execution of the decrees of this tribunal, or of any other process which may relate either to the sale or disposal of property or otherwise, every functionary or officer whomsoever charged with the execution of such said decree or process, shall make a due and sufficient return to this Board, together with all sums of money remaining in his hand, or of any other matter which he may have in charge relating thereto, within the space of ten days from the date of such decree or other process; and such return shall not be delayed beyond the said ten days, under any pretexts whatsoever, without the leave of this Court first had and obtained for that purpose.

That, in the event of disobedience or neglect of this order by the functionary or officer aforesaid, such disobedience or neglect shall forthwith be denounced to the respective Governments of the high contracting parties to the Treaties under which this Commission is constituted.

And it is further ordered, that copies of this Rule of the Court be transmitted by the Secretary for the information of his Excellency his Imperial Majesty's Minister for Foreign Affairs, and to the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, and that his Excellency the Imperial Minister for Foreign Affairs be respectfully urged to give the requisite orders for enforcing due obedience and proper respect being paid to this Rule and Order of the Brazilian and British Mixed Court of Justice.

Second Enclosure in No. 204.

(Translation.)

Answer of the Brazilian Judge to the above.

Rio de Janeiro, September 20, 1842.

THE Brazilian Commissary Judge, agreeing with his honourable and worthy colleague, the British Commissary Judge, as to the convenience of adopting certain measures conducive to the obtaining that the execution of the sentences given by the Commission should be carried into effect, within the shortest time possible, has however to observe to his noble colleague, that the Judge Executor of the same sentences, being subject to the laws and regulations of the country, and not recognizing in the Commission the necessary authority to oblige him to depart from the sphere of his duties, it would not be possible to obtain this end by the proposed measure; but in view of the information lately given to the Court by the respective clerk, he (the Commissary Judge) is of opinion that, in case of any adjudication taking place, at the time of forwarding the sentence of the Commission to the Municipal Judge for execution, the convenience of finishing all the process before him, particularly as regards the sale of the vessels, or their cargoes, in the shortest possible time, should be pointed out to him, in order that the delivery of their proceeds to the Commission may also be made as quickly as possible, due attention being paid to the proper formalities.

And as the said Brazilian Commissary Judge has already several times expressed his opinion as to the execution of the sentences, he refrains from again mentioning them, because all that has occurred on this subject must be in the Commission.

(Signed)

JUAO CARNEIRO DE CAMPOS.

(A True Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Third Enclosure in No. 204.

Mr. Samo's Rejoinder to the Imperial Commissary Judge upon the proposed Order and Rule of Court,

Rio de Janeiro, September 20, 1842.

It is with much regret that I find my honourable colleague withholds his acquiescence to the Draft Order and Rule which I had the honour to submit to him at the Session of the 10th instant,
CLASS A.

The last two paragraphs in that Draft were left out at his suggestion. I assume, therefore, that my honourable friend will agree to their being restored to the original Minute of that date. The remark of my Imperial colleague to the effect that the Judge Executor of the sentences of this Tribunal does not recognise in the Commission the necessary authority to oblige him to obey an order of this Court; that same observation demonstrates the propriety of adopting the proposed Rule in all its parts.

I entertain the highest consideration for the tribunals and officers of this country, and will cheerfully respect their lawful authority, but I claim the like treatment for the Brazilian and British Court of Mixed Commission.

I shall hasten to lay the subject before my Government, in hopes that their Excellencies the Imperial Ministers may be induced to issue the requisite instruction for securing to this Commission that obedience to its authority, which alone can enable it to carry out the true object of the High Contracting Parties to the Treaties under which this Board exercises its exalted and responsible functions.

(Signed) JOHN SAMO.

No. 205.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, September 28, 1842.

(Received November 18.)

MY LORD,

WITH reference to the unequal division of the proceeds of property condemned as forfeited by this Commission, we have the honour to transmit to your Lordship the enclosed extract of a letter from Her Majesty's Minister, in reply to our communication to His Excellency of the 15th instant, a copy of which latter document accompanied our Despatch to your Lordship of the same date.

We have, &c.

(Signed)

JOHN SAMO.

FREDERICK GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.,
 &c. &c. &c.

Enclosure in No. 205.

Extract of a Letter, dated September 25, 1842, from Mr. Hamilton to Her Majesty's Commissioners.

"I HAVE received your letter of the 15th instant. In answer, I have to signify to you, after an attentive examination of the question, my entire concurrence in your opinion as to the charges in question being a violation of the provisions of the Treaty; that I consider the practice which has obtained in preceding cases, having been equally a violation thereof, cannot be urged for a moment as a justifiable precedent, and therefore that you will be fully warranted in refusing to admit any such deductions on the part of the Brazilian Government in future."

No. 206.

Her Majesty's Commissioners to the Earl of Aberdeen.

Rio de Janeiro, September 29, 1842.

(Received November 18.)

MY LORD,

WE are honoured with your Lordship's Circular Despatch of July 14, 1842, with copies of a Treaty between Her Majesty and the Republic of Bolivia, for the Abolition of the Traffic in Slaves.

We have furnished our foreign colleague with a copy of this additional evidence of the successful exertions of Her Majesty's Government to put an end to the abominable traffic.

We have, &c.

(Signed)

JOHN SAMO.

FREDERICK GRIGG.

The Right Hon. the Earl of Aberdeen, K.T.,
 &c. &c. &c.

No. 207.

*Her Majesty's Commissioners to the Earl of Aberdeen.**Rio de Janeiro, October 19, 1842.**(Received December 17.)*

MY LORD,

WE have the honour herewith to transmit the copy of a letter, with its enclosure, which we have received from Her Majesty's Minister, upon the subject of the proposed formula alluded to in our Despatch to your Lordship of the 24th ult.

The regulation in question had for its object, to remedy the delays caused by the system pursued by the functionaries of this country, who are charged with the execution of the decrees and other process of the British and Brazilian Mixed Court of Justice.

We shall take the earliest occasion to make your Lordship acquainted with the measures which the Brazilian Government have promised to adopt in consequence of our representations upon that subject.

We have, &c.

(Signed)

JOHN SAMO,
FRED. GRIGG.

The Right Honourable the Earl of Aberdeen,
&c. &c. &c.

Enclosure in No. 207.

Mr. Hamilton Hamilton to Her Majesty's Commissioners.

(Copy.)

GENTLEMEN,

Rio de Janeiro, October 15, 1842.

I HASTEN to forward, for your information, the copy of a note I have just received from the Minister of Foreign Affairs, in answer to one I addressed to him, covering a formula proposed for adoption in the Mixed Commission Court by the British Commissary Judge, in order to remedy the delays at present so frequently recurring, when carrying into execution the sentences awarded by the said Court.

The Brazilian Government decline to accept the formula in question as incompatible with the law of the empire; but they engage to adopt other measures which may contribute to the end held in view by the British Commissary Judge.

We have, &c.

(Signed)

HAMILTON HAMILTON.

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

Sub-Enclosure in 207.

(Translation.)

*Sr. Aureliano to Mr. Hamilton Hamilton.**Palace of Rio de Janeiro, October 14, 1842.*

THE undersigned, &c. acknowledges the receipt of the note which was addressed to him on the 5th of the present month, by Mr. Hamilton Hamilton, &c., together with the project presented by the British Commissary Judge to the Brazilian Commissary Judge in the Session of the Mixed Brazilian and English Commission in this capital, on the 14th of September last, for the purpose of altering the method hitherto followed in the execution of the sentences of the said Commission, in order that it may be more accelerated than it is at present, proposing the formula which he thinks suitable to be followed in such a case; and, in answer, the Undersigned has the honour to inform Mr. Hamilton, that, having conferred upon the subject with the Brazilian Commissary Judge, he is now enabled to state to Mr. Hamilton, that the application lately made by Mr. Samo to the said Commission, is no other than a re-production of other applications made in like manner by his predecessor in identical cases, which were impugned by the Brazilian Commissary Judge as being opposed to the laws and regulations, which the Imperial Government cannot infringe.

It is true that the Mixed Commission is an exceptional tribunal, from which there is no appeal, but it is also certain (and Mr. Hamilton will admit it,) that its sentences, however expeditiously it may be wished to execute them, cannot but be subject to some delays, inasmuch as they depend upon certain courses through which the sale of the condemned vessels and cargoes must pass, as, for example, the precise interval of time for sale, the notice for the same, &c., in conformity with the subsisting laws and regulations of the country, which the executive is not permitted to pass over. Wherefore, to put in practice a contrary course, as the British Commissary Judge appears to wish, would not only be irregular, but would tend to indicate that, as relating to Brazil, it would admit the existence of a tribunal superior to those of the empire, which, in no constituted and independent country, is admitted by voluntary acquiescence.

The municipal Judge fulfils his duties when, in the execution of the sentence ordering the sale of the condemned vessel and cargo, he adheres to the provisions of the existing regulations and laws, and

from them he is not permitted to swerve; consequently, the sentences of the Commission, on the point in question, must be subject to inconsiderable delays specified in the legislation, the course of which should be passed for their complete execution,

The undersigned cannot omit to point out to Mr. Hamilton, that, in many cases, the delay, of which the British Commissioners complain, is not attributable solely to the municipal Judge, but also to the Commander of the English Naval Forces stationed in this port, who has hesitated to deliver up the condemned vessels, even on production of the respective sentences, and when the said Judge has personally applied for that purpose, always raising objections, and making such delivery of the vessels, depend upon further orders from Her Britannic Majesty's legation, without which the sentences of the Commission are not fulfilled—a fact which, substantially, may appear to be a recourse, or an appeal, on the part of England, that cannot be acknowledged.

The same British Commissioners, who appear so much to desire despatch in the execution of the sentences, nevertheless, in their zeal minutely to scrutinize the truth, have themselves, by their searches, retarded certain results, while the Brazilian Commissioner has sometimes attended to the representations of the attorney for the captors, for the allowing him time in order to the presenting of documents which he thought indispensable; whence it is clearly seen that the delays insinuated do not proceed only from the Judge executor of the sentences of the said Commission.

The Imperial Government is as much interested as that of Her Britannic Majesty, that these facts should have a ready course, not only, and principally, for efficaciously repressing the traffic in slaves, but also because from the respective liquidation, no disadvantage results to either of them, but the Undersigned will not cease to point out to Mr. Hamilton, that in human affairs a vigorous and mathematical execution of engagements is rarely practicable, being always subject to incessant occurrences, the foreknowledge of which is not given to the human race.

The Undersigned will not now specify the steps which the Imperial Government has taken, on its part, for removing obstacles to the labours of the Mixed Commission, as, for instance, by the abrogation of embargoes; nor will he notice, except in passing, that there are facts in which it appears that there has not been, on the part of the British Government, too much urgency, in fulfilling the sentences of the Mixed Commissions, particularly in what relates to Article 10 of the Convention of 21st July, 1817, and 6th Article of the Regulations of the same Commissions, inasmuch as it hopes from the acknowledged good faith of its friend and ally, that it will promptly order the liquidation of the indemnities decreed by the respective tribunals. And as the Undersigned has touched upon this important point, he will not lose the opportunity of requesting Mr. Hamilton to intervene with his Government, in order that it, on its part, may equally attend to the ancient claims of Brazilian subjects, resting upon incontestible principles, and upon sentences of the Mixed Brazilian and English Commission at Sierra Leone, whose property was illegally taken, and who have not yet obtained the justice which was to be expected. And it being the absolute duty of the Undersigned to advocate the interests of those Brazilian subjects which are based on justice, he will never abandon this business until he obtain the reparation to which the enlightened Government of Her Britannic Majesty will undoubtedly assent.

In order, however, to obviate, as much as possible, the difficulties which, perchance, the municipal Judge may experience in the execution of the sentences in question, the Undersigned is about to send the requisite orders to the Brazilian authority, through the proper department, to the end that it may regulate itself, and employ the shortest possible space of time in the execution of the sentences given by the Mixed Commission, not only inasmuch as the repetition of claims on the part of the British Commissioners may, in this way, be avoided, but also in order that the provisions of the laws and regulations already mentioned may be in unison with the determinations of the Commission, while it will also tend to the good and regular course of business pending in the same Commission, and belonging to the two countries, it not being practicable to admit the above-mentioned project, the adoption of which would not be compatible with respect to the laws in force in this empire, as the Undersigned has just stated.

The Undersigned, &c.

(Signed)

AURELIANO DE SOUZA E
OLIVEIRA COUTINHO.

A true translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Mr. Hamilton Hamilton,
 &c. &c.

SURINAM.

No. 208.

Mr. Samo to Mr. Backhouse.

Surinam, November 16, 1841.

(Received Jan. 31, 1842.)

SIR,

I HAVE the honour to transmit, for the information of the Earl of Aberdeen, the copy of a letter and its enclosures which I have this day received from his Excellency the Governor-General Ryk, announcing that Her Majesty the Queen had pleased to remove me to the station established at Rio de Janeiro, and to appoint Sir George Jackson to the situation held here by me.

The Despatches containing the instructions upon these appointments have not hitherto been received.

I beg to assure his Lordship and yourself, Sir, that I shall make every exertion to be in readiness to repair to the post to which Her Majesty has been graciously pleased to appoint me.

I have, &c.

(Signed) JOHN SAMO.

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

First Enclosure in No. 208.

Governor Ryk to Mr. Samo.

SIR,

Paramaribo, November 16, 1841.

HAVING received communication from my Government that it has pleased Her Britannic Majesty to remove you to the station of Rio de Janeiro, and to appoint Sir George Jackson in the situation here held by you, I take the liberty of forwarding a copy of the said Despatch for your information, and offering you my sincere congratulation with this honourable appointment. I at the same time regret the separation which will be the result hereof.

I have, &c.

(Signed) J. C. RYK,

Governor-General of His Netherland Majesty's West India possessions.

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

(Translation.)

Second Enclosure in No. 208.

The Dutch Minister of Marine and Colonies to Governor Ryk.

The Hague, August 23, 1841.

THE Minister of Foreign Affairs has communicated to me, in accordance with the King's commands, a note from the British Envoy at this place, under date the 10th of this month, announcing the appointment of Sir George Jackson as judge on the part of Great Britain in the Mixed Court at Surinam, for the suppression of the Slave Trade, in the place of Mr. John Samo, appointed to fill the like office at Rio de Janeiro.

In consequence hereof I have the honour to request your Excellency to recognize, and to cause to be recognized, the said Mr. Jackson in his above-mentioned capacity.

The Minister of Marine and Colonies.

(Signed)

J. C. BAND.

For a true Copy. The Government Secretary.

(Signed)

G. S. DE VEER.

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

No. 209.

*Mr. Samo to the Earl of Aberdeen.**Surinam, November 16, 1841.**(Received Jan. 31, 1842.)*

MY LORD,

AGREEABLY to the instructions of Viscount Palmerston, dated the 3rd of September last, I have the honour to address your Lordship, in reference to the contents of the Despatch, dated August 18, to Her Majesty's Commissioners at this station.

It appears, my Lord, that about forty years ago, and some time subsequently, many British subjects quitted Barbadoes and other British possessions to settle at Surinam, and upon such occasions they brought with them their slaves and property.

My Lord, few if any of those people, or of their progeny, could be identified amongst the slaves of the present day, although there is every reason to believe that some old and aged persons of the above description are still living.

Previous to the Slave Registry Acts, established in this colony, no authentic records are to be found which could throw any light upon the history of those people.

At an Interview with the Governor-General Ryk I mentioned the matter, when his Excellency assured me that if any persons of the description alluded to by Her Majesty's Government could be discovered they should be given up without hesitation.

Your Lordship may feel assured that every exertion will be made by the British Commissioners to carry into effect the instructions of Her Majesty's Government upon the subject.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 210.

*Mr. Samo to the Earl of Aberdeen.**Surinam, January 8, 1842.**(Received Feb. 22.)*

MY LORD,

By the arrival this day of the royal mail steamer "Clyde," from Southampton, I have the honour to receive your Lordship's Despatch of the 30th October last, together with five copies of Parliamentary printed papers relating to the Slave Trade.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 211.

*Mr. Samo to the Earl of Aberdeen.**Surinam, January 14, 1842.**(Received March 12.)*

MY LORD,

IN the printed Parliamentary papers of 1840, relating to the Slave Trade, which lately have been received at this Commission, I have seen the note of Baron Verstolk de Soelen, containing some very acrimonious observations upon the contents of my Despatch of the 29th of June of that year, in reference to the importation and arrival of fifty young negro men in this colony.

The uncourteous terms, "la précipitation et la prévarication," which that Minister applies to the note of Her Majesty's Commissioner are unmerited in every respect.

My Lord, the remarks on those people were made with due consideration, and the opinion I ventured to offer regarding them was founded not alone upon the experience of upwards of seven years' service at this station, but upon personal knowledge acquired during a residence of nearly twelve years in Her Majesty's settlements upon the west coast of Africa.

This is not the first instance, my Lord, that the reports of Her Majesty's Commissioners have been met by the Dutch Government in similar language.

I have, &c.

(Signed) JOHN SAMO.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 212.

Mr. Samo to the Earl of Aberdeen.

Surinam, January 21, 1842.

(Received March 12.)

MY LORD,

WITH reference to the correspondence which has taken place between the British Government and that of Holland relating to the fifty young Africans imported into this colony in June, 1840, I have the honour to report to your Lordship some further information regarding them.

There is little doubt that these men never understood the nature of their contract of service, and by several amusing acts of simplicity which are related to have occurred on board the steamer, whilst on their passage to Surinam, it is evident that up to that period they were not in a condition to make a fair bargain for their labour.

I am informed that hitherto they have not received Christian instruction.

It will take some years, my Lord, to make these men fully comprehend their change of situation in life.

Their pay is the same as the Dutch soldier, thirty-two cents and a half, Dutch, per day, equal to sixpence halfpenny British: two-thirds of this amount is deducted for supplies furnished to them by the Government.

These negro-men, in the first instance, select a mate from amongst the unfortunate class of female slaves, and their offspring belongs to the owner of that slave.

Some of these men already have infants born to them, and at this stage they discover the unhappy fate and painful consequences of such intercourse.

My Lord, no analogy can exist in the condition of this class of recruits in the British colonies and those of the Netherlands; such resemblance can only be where slavery is unknown, and I venture to express my earnest hope that by your Lordship's distinguished influence the Netherland Government may be induced to discontinue this most objectionable practice of obtaining soldiers for the Dutch service during the existence of slavery in these possessions.

I have, &c.

(Signed) JOHN SAMO.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 213.

Mr. Samo to the Earl of Aberdeen.

Surinam, February 10, 1842.

(Received April 23.)

MY LORD,

HIS Excellency the Governor-General this day delivered to me a packet addressed to Mr. Schenley as Her Majesty's Commissary Judge, and countersigned upon that address by Viscount Palmerston.

In the absence of Mr. Schenley from this station, I deemed it advisable, my Lord, to examine the contents of that packet, and I have now the honour to acknowledge the receipt of the same, dated August 16 last, with Her Majesty's Commission appointing Sir George Jackson Judge, on the part of Great Britain, in the British and Netherland Court of Justice at Surinam.

I have, &c.

(Signed) JOHN SAMO.

The Right Honourable the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 214.

Mr. Samo to the Earl of Aberdeen.

Surinam, February 26, 1842.

(Received April 22.)

MY LORD,

I AM honoured with your Lordship's Despatch of December 15 last, together with its enclosures, relating to the energetic measures which have been taken by her Majesty's Government in regard to the proceedings of M. Pluma, the Tuscan consul at the Havana.

I beg most respectfully to offer to your Lordship my acknowledgments for that information.

I have, &c.

(Signed) JOHN SAMO.

The Right Honourable the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 215.

Mr. Samo to Viscount Canning.

Surinam, May 18, 1842.

(Received June 29.)

MY LORD,

I HAVE the honour to announce to your Lordship that it is my intention, in the course of to-morrow, to embark on board the American packet schooner "*Metamora*," which I have engaged to convey me to New York, and from thence I shall proceed direct to Rio de Janeiro by the first ship which offers.

My Lord, I have consulted with duly qualified persons as to the most expeditious and suitable route to reach my post, and I have been assured that the one I have now followed is the most eligible in every respect.

I trust that the Earl of Aberdeen and your Lordship will approve of my proceedings.

I take the present occasion to transmit a copy of the act of delivery of the archives of this Commission into the custody of His Excellency the Governor-General *ad-interim*.

I have, &c.

(Signed) JOHN SAMO.

The Viscount Canning,
&c. &c. &c.

Enclosure in No. 215.

(Translation.)

Act of Delivery of the Archives.

ON the 18th of May, 1842, at the instance of John Samo, Esq., hitherto Her Britannic Majesty's Commissary Judge in the Mixed Commission for preventing the Slave Trade, and in the presence of his Excellency Mr. P. Dekanter, Governor-General, *ad interim*, of the Netherlands West India possessions, as well as of the Assistant-Secretary of the Government, Mr. A. Rikkert Schotborgh, the

following articles were received by Mr. E. Ellis, Secretary to the Mixed Commission for preventing the Slave Trade from the above Commissary Judge, viz.—

1. A chest.
2. A trunk.
3. A tin box.
4. Five maps.
5. A linen bag with five English flags.

Three of which articles were properly sealed, namely, the first with four seals; the second with three seals; and the third with three seals, containing, agreeably to Mr. Samo's statement, the archives of the British Commission established in this colony,—all which several articles were, with the privity of the Governor-General *ad interim*, taken possession of by the Joint Secretary of the Government, from the above Mr. Ellis, in order to be deposited in the office of the Secretary of the Government of this colony, for the purpose of being hereafter solemnly delivered over to either the Judge or Arbitrator of Her Britannic Majesty on his arrival in this colony.

In faith whereof this Minute has been made out in duplicate and signed by the Governor-General *ad interim*, by the British Commissary Judge, J. Samo, and by the functionary named in the beginning of it; one copy to be given to Mr. Samo, and the other to remain in the archives of the Mixed Commission.

(Signed)

P. DEKANTER,
JOHN SAMO.
A. RIKKERT SCHOTBORGH,
J. ELLIS.

No. 216.

Mr. Samo to the Earl of Aberdeen.

Surinam, May 2, 1842.

(Received August 10.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of March 23 last, transmitting a printed copy of a Treaty signed by your Lordship, with the Plenipotentiaries of Austria, France, Russia, and Prussia, for the suppression of the Slave Trade, the ratifications of which, on the part of Austria, Russia, and Prussia, have been exchanged against those of Her Majesty.

I venture to congratulate your Lordship in having accomplished a measure so highly calculated to put an end to the cruel traffic in Slaves.

I have, &c.

{(Signed)

JOHN SAMO.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 217.

Mr. Schenley to the Earl of Aberdeen.

Surinam, June 28, 1842.

(Received August 10.)

MY LORD,

I BEG leave to acquaint you that I have arrived at my post, and this day resumed the duties of my office as Her Majesty's Arbitrator in the Mixed Commission established here.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 218.

Mr. Schenley to the Earl of Aberdeen.

Surinam, August 11, 1842.

(Received Oct. 6.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 5th July, 1842, enclosing two copies of a Treaty concluded at
CLASS A.

Monte Video and the Oriental Republic of the Uruguay for the abolition of the Traffic in Slaves.

I have, &c.
(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 219.

Mr. Schenley to the Earl of Aberdeen.

Paramaribo, July 15, 1842.

(Received Oct. 21.)

MY LORD,

ON the 28th ult. I had the honour to acquaint you with my having arrived at and resumed the duties of my post.

I now beg leave to state that on perusing the instructions which have been sent out to this Commission during my absence, I found a Despatch stating that—"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;"

The Commissioners are desired to collect and transmit all the information they can obtain regarding any British subjects who may be held in slavery here, in order that application may be made for their release to the Netherlands' Government.

Accordingly I exerted myself to the utmost to trace out any persons entitled to the above humane interference; and the results of my inquiries all tend to confirm the purport of the Despatch.

I could not, however, name with sufficient accuracy any of the localities upon which these "Barbadoes negroes" were to be found, so as to make a formal demand for them from this local Government, for the purpose of inquiring into their history. I was also desirous to guard against committing any act that by perversion, or misunderstanding, might be represented as an attempt to create excitement amongst the negro population. Therefore I addressed a letter to the Governor-General stating the nature of my instructions, soliciting his assistance, and proposing, with his Excellency's concurrence, to have inserted in the newspapers, and likewise to publish in the form of hand-bills, *an advertisement* calling upon all *Barbadoes negroes*, or any other "subjects of Her Majesty," who may be held in slavery in this colony, or any persons who can give information respecting them, to present themselves at the British Commission.

I enclose a copy of his Excellency's reply; by which document your Lordship will observe that the Governor not only refuses his assent to this measure, but raises the important question as to whether any of the above persons being traced out as "having come from Barbadoes, should be subjects of Her Britannic Majesty. This point, in the first place, will remain to be proved." He further prohibits my endeavouring, "*in any other way*," to adopt a course in the execution of my duty, "that should have a tendency of tracing within the territory of His Majesty for negroes which are supposed to be subjects of Her Majesty."

It is for your Lordship to determine how far this very peremptory prohibition of the only effectual means, if maintained by the supreme Government at the Hague, can be acceded to, where the nature of the demand is one of justice and humanity. The refusal, however, I consider strongly indicative of the correctness of the information that has reached Her Majesty's Government, as well as of that which I have obtained here.

That many of the unfortunate persons who form the subject of this Despatch *do* linger in slavery here I have not a doubt; but I cannot verify the fact.

The Commissioners have already represented the impossibility of obtaining correct information upon subjects of this nature, owing to the communications with the estates of this colony being *solely by water*. No proprietor or other individual would furnish a conveyance to injure his neighbour, or perhaps himself; but should your Lordship consider the matter of sufficient importance to grant a boat for the service of the Commission, I think this, and other important

questions relating to the *detention in slavery of negroes who ought to be free*, might be set at rest. Indeed the mere fact of its being in the power of the Commissioners to repair to any point they might think fit would have a most beneficial influence.

For many years past the representations of Her Majesty's Commissioners in this Court have experienced great opposition and indifference: they have scarcely ever obtained the co-operation or acquiescence of the local authorities, although their demands have mostly been framed upon the instructions sent out from Her Majesty's Government. I, however, feel the greatest confidence in your Lordship's pressing to a successful issue a claim so deeply interesting as the present one; when, should the measures I have proposed meet with approval, I trust I may be honoured by your support in the prosecution of them.

I shall venture to hope likewise that your Lordship will not permit the moral influence and utility of the Commissioners to be impaired, by a continuance of the obstructions they have hitherto experienced in the execution of their duties.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

First Enclosure in No. 219.

Mr. Schenley to the Dutch Governor-General.

Paramaribo, July 12, 1842.

THE Undersigned, Commissioner of her Britannic Majesty, has the honour to acquaint his Excellency the Governor-General, that it having been intimated to Her Majesty's Government that a number of Barbadoes negroes are now held in slavery in this colony, the Undersigned has been desired to collect and transmit to his Government every information that can be obtained regarding these British subjects, or their descendants, in order that application for their release may be made to the Netherlands Government.

The Undersigned, whilst respectfully soliciting the assistance of the Governor-General, in the endeavour to carry into effect the humane intentions of Her Majesty's Government, has the honour to enclose the draft of an advertisement which, as the readiest method of accomplishing the object in question, he is desirous of inserting in the public journals; and likewise to have circulated in the form of hand-bills, provided he receives the concurrence of the Governor-General.

The Undersigned, &c.

His Excellency the Governor-General, (Signed) EDWARD H. W. SCHENLEY.
&c. &c. &c.

Second Enclosure in No. 219.

(Copy.)

Notice.

Paramaribo, July, 1842.

Office of British Commissioners. To all whom it may concern.

THE Government of Her Britannic Majesty having received intimation that a number of Barbadoes negroes are now held in slavery in the colony of Surinam, any persons falling under this category, or any other subjects of Her Majesty who may be held in slavery in this colony, or any other individual who may be able to furnish Her Majesty's Commissioner with information respecting such negroes or British subjects, or their descendants, that may lead to their identification, are earnestly requested to present themselves without delay at the office of the British Commission.

Third Enclosure in No. 219.

The Dutch Governor-General to Her Majesty's Commissioners.

Paramaribo, July 14, 1842.

In reply to your Despatch, bearing the date of the 12th inst., which, with the enclosure, I received in the forenoon of yesterday, I have the honour to bring under your notice that, it being entirely unknown to me, that amongst the slave population of this colony there should be found negroes, who, as in former times, having come from Barbadoes, should be subjects of Her Britannic Majesty. This point, in the first place, will remain to be decided.

Meanwhile, considering myself entirely incompetent to enter into the question, *whether amongst the negroes of this colony subjects of Her Britannic Majesty are to be found or not*; as this matter is to be decided between the Netherlands and British Courts, I am not entitled to allow you my concurrence of publishing in the public journals, or *in any other way*, such a calling or notice, which, according to the draft of a notice sent to me, should have the tendency of tracing within the territory of His

Majesty for negroes which are supposed to be subjects of Her Britannic Majesty. For reasons before mentioned I am not able to grant the publications of a calling or notice, for which the concurrence of the Colonial Government has been desired by you.

I shall not fail of acquainting His Majesty's Government, without delay, with the nature of your request, and expect instructions accordingly.

I feel satisfied Her Britannic Majesty's Arbitrator will think my objections the more reasonable, considering the calling or notice in question would transgress the limits of the mandate contained in the special jurisdiction for the members of the Mixed Court for the suppression of the Slave Trade in the colony of Surinam, of which I have the honour of being a temporary member, like this jurisdiction has been established by Treaty between the Netherland and British Government.

It is also in view hereof that I consider myself bound to call for the necessary information of His Majesty's Government.

I have, &c.

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

(Signed) P. DE KANTER.

No. 220.

Mr. Schenley to the Earl of Aberdeen.

Paramaribo, July 20, 1842.

(Received Oct. 21.)

MY LORD,

I BEG leave respectfully to refer to the Despatches of Viscount Palmerston, dated the 12th March and 10th June, 1841, and likewise to those of the Commissioners, dated the 31st July, 27th August, and 1st, 3rd, and 8th September, 1841, concerning the negroes who were emancipated by sentence of this Mixed Court.

The above correspondence will show your Lordship that the efforts of the Commissioners to carry their instructions, relative to these people, into effect were frustrated by the determination of the Governor, Admiral Ryk, not to permit the negroes to be brought before the Mixed Court, or the British Commissioners; nor to recognize our right, contended for by Her Majesty's Government, to exercise the functions deputed to us in this case; or, indeed, to admit of any interference whatever, upon the part of the Commissioners, regarding the treatment of these defrauded people.

The deep interest I have felt in their fate induced me to hope that, during the year which has elapsed, some benefit would have resulted to them from the strong appeals in their favour that were made by Her Majesty's Government to that of the Netherlands; but I regret to say that their condition remains unchanged. They are still slaves; compelled to work, when, where, and how they may be ordered; without the power of *locomotion*, or wages being paid to them. I am by no means sure that the interference of the Commissioners respecting them last year has not tended to embitter their existence, for I am informed that several of them were removed to the distant Government establishments shortly after the question of their liberation was mooted.

My Lord, *slavery*, under any form, clime, or Government, is admitted to be one of the heaviest calamities to the human race. But in *this colony*, where the planter is held in such thralldom as to be compelled to convey his produce through a medium, and to a market, where for some time past he has not realized within a third of the original cost of the production, it is beyond measure distressing; for, under such an order of things, with the best intention and desire, the proprietor *cannot* contribute to the necessities of his wretched dependants beyond a scanty and insufficient supply; whilst, too, extra labour must be exacted to furnish even those inadequate means.

It is not likely that the negroes in the service of the Government fare better than any others; and, from not being viewed as the "chattels" of any particular individual, I doubt if they fare so well. But upon this point I can only speak from conjecture, for though we are expressly desired by Her Majesty's Government to "inquire from the Governor," and "also from other persons," respecting the treatment and condition of these negroes, we have been compelled by the local authorities to desist from holding any communication with them, or respecting them; and since it has been laid down that the Court here possesses power over the Commissioners, and that they are not, as at Havana, exempted in person and household, by special contract, it has become necessary to observe a circumspection that militates against attempting to obtain information of this nature.

I trust no serious inconvenience may accrue to the public service by this want of protection; but it would add much to the efficiency of the office if it were admitted.

As I feel assured your Lordship will revive the question of the captivity of these emancipated negroes with the Netherlands' Government, and obtain for them their *bonâ fide* freedom, and power of locomotion, I venture most respectfully to suggest that the eighteen years of *slave labour* which they have contributed to the Dutch Government ought to be recompensed somewhat more than by calculating the miserable subsistence they have received during this period of slavery. At the same time I am sure they would gladly sacrifice this long waste of existence for an *immediate* fulfilment towards them of that Treaty from which they have so vainly hoped for their liberty, but the stipulations of which, in the instance of these negroes at least, have been systematically violated.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 221.

Mr. Schenley to the Earl of Aberdeen.

Surinam, August 10, 1842.

(Received Oct. 6.)

MY LORD,

I HAD the honour to address your Lordship on the 20th ultimo respecting the negroes who were emancipated in this colony under the provisions of the Treaty with the Netherlands for the suppression of the Slave Trade.

I then stated that, notwithstanding all the assurances which had been given upon the part of the Government at the Hague to Her Majesty's Government, these negroes still remained in the condition of slaves.

In reference to this subject I now beg leave to acquaint you that, being deprived by a calamity of the services of my principal white servant, as well as having upon three occasions discovered that, contrary to my express orders, persons being *slaves* were introduced to work in my house, I determined upon trying to obtain permission from the Governor to procure from amongst the emancipated negroes the servants I require.

I was desirous of effecting this object; first,—because it would be a means of ensuring me against even an accidental breach of my instructions relative to the employment of slave-labour; and, secondly, it would enable me to gain some authentic information respecting the present condition of the above emancipated negroes, a matter now rendered so difficult by the prohibition from communicating with them, already notified to Her Majesty's Government by the Commissioners.

With these views I addressed a letter to his Excellency (No. 1), stating the emergency, and requesting to know where *I could address myself* in order to ascertain whether “there were any amongst the emancipated negroes who, being suitable, might feel disposed to form part of my household.”

A short time after the delivery of this letter the Government-Secretary called upon me and inquired, upon the part of the Governor, “with what intention I made the request.” Likewise, “the description of servants I wanted.”

I replied that I did so, first, to ensure me the services of *free people*; and, secondly, because, as I was compelled to pay a high rate of wages for this description of labour, I preferred that these persons, in whose fate I felt a deep interest, should reap the benefit.

The Governor replied to this statement in writing (No. 2), that “he would cause the necessary inquiries to be made;” but he did not accede to my wishes to communicate personally with the emancipated negroes.

Some days afterwards the Secretary again called upon me, and stated that “servants of the description I required had been sought for amongst the ‘free labourers,’ especially at Fort Amsterdam,” where, I believe, many of those who were emancipated by the Mixed Court are consigned to for better security.

But that, besides, there “not having been found any amongst them qualified for the service I specified, they evinced a *reluctance* to the proposal of entering my service.”

The correctness of the first objection I can readily admit; for truly their lives have been passed in a description of labour little likely to fit them for the duties of a family; but that they should “evince reluctance” to exchange *field labour, with coercion, and no wages, for household service, without restraint, and the highest wages in the colony*, is a matter not easily to be understood if the circumstance were fairly explained to them. The Secretary added, however, that Governor De Kanter, being sensible of my difficulties, offered to permit two women to come to my house “who belong to the class of *free Government labourers*, and form part of the establishment of servants who are taken from amongst the Emancipated negroes, and who are kept for the use of the Governor; that they might remain in my service until either a new Governor should arrive from Holland, or his Excellency, now Governor *ad interim*, should remove to the Government House.”

The following day the two women were brought to my house by a colonial overseer, who desired them to present themselves every week at the Government Magazine to receive the allowance that is provided for the “free labourers” at the cost of the Government. I questioned the women, in the presence of the overseer, as to whether it was of their own free will that they entered my service; and I caused them to understand that they might quit it whenever they thought proper, but that so long as they remained they should experience the same treatment, and receive the same *wages in money* as the other two coloured servants in my employ. Conceiving, however, that it was my duty to ascertain the precise condition of the persons whom I had hired, I questioned them upon the subject, and the result of my investigations, of which I have the honour to enclose a copy (No. 3), determined me to return these poor creatures from whence they were brought. In so doing I stated to the Governor (No. 4) that I felt myself compelled to this course from the circumstance of the women “not being in that entire state of freedom that could alone justify my availing myself of their services.”

These two women do not belong to the negroes who appeared before this Mixed Court, but formed a part of some cargoes seized by the colonial authorities, subsequently to the decree of the 15th June, 1814, but, as I conjecture, before the ratification of the Treaty of the 4th May, 1818. It is probable, therefore, if such be the case, that their doom to perpetual “free labour of the Government” may be sealed, as not falling within the actual term of the Treaty.

But, my Lord, the tale these people tell is that of the whole of this class, and though in the Governor’s reply (No. 5), which is worded with much caution, he asserts that the negroes of the “*Snow*” are “treated on a footing” as has been stated by his Excellency Baron Verstolk van Soelen, yet *he will not permit me to hold any communication with them*. I therefore unequivocally assert that they are not “*assimilé à un negre libre de la colonie*.” Nor can they be till they have the *power of locomotion* and of *disposing of their persons and their labour as they may think fit*; besides, the most sacred and paramount duty enjoined by the Treaty *has never yet been fulfilled* towards these unfortunate beings, (i.e.) that of delivering to them, *by the Mixed Court*, their certificates of emancipation.

These documents are *improperly withheld from them*, and have been so for nearly nineteen years; and I most respectfully but firmly maintain that as a member of this Mixed Court I have a right to insist upon the delivery *and full explanation of the intentions* of them to the survivors, and the descendants of those who may have died, without further evasion or delay; in which opinion, should your Lordship coincide, I trust I may be honoured by your instructions to that effect, when I shall take care to learn from each individual what have been his services and rewards during the past nineteen years.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K. T.,
&c. &c. &c.

First Enclosure in No. 221.

Mr. Schenley to the Governor-General.

SIR,

Paramaribo, July 23, 1842.

YOUR Excellency is probably already informed that Her Britannic Majesty has strictly prohibited any of her servants from the use of slave labour in their establishments. Having experienced a severe calamity in the loss of the services of my principal servant, from, I fear, permanent aberration of intellect, as well as other difficulties regarding the hire of free persons for my household, I trust that your Excellency may not consider it inconsistent with my official capacity to desire to furnish myself from amongst the "emancipated negroes," should any of them feel inclined to enter my service.

As these negroes have been represented to the Commissioners as under the immediate care of the Government, may I request to know where I can address myself, in order to ascertain whether there are any amongst them who, being suitable for the above purpose, may feel disposed to form part of my household.

I have, &c.

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

(Signed)

EDWARD W. H. SCHENLEY.

Second Enclosure in No. 221.

(Translation.)

The Governor-General to Mr. Schenley.

SIR,

Paramaribo, July 21, 1842.

As I had the honour, of intimating to you by the Government Secretary, Mr. Schotborgh, I shall have much pleasure in causing the necessary inquiries being made, if amongst the free labourers in question, who, at different parts of the colony, are in the service and under the immediate care and protection of Government, a cook and two washerwomen are to be found, who, according to your desire, are capable and should feel inclined, to enter into your employment.

I have, &c.

Edward W. H. Schenley, Esq.,
&c. &c. &c.

(Signed)

P. DE KANTER,
Governor-General ad interim of the Netherlands'
West India possessions.

Third Enclosure in No. 221.

(Copy.)

Examination of Charlotte, or Lollot,

A "free labourer" belonging to the emancipated negroes in the colony of Surinam.

"Does not know the tribe or nation she belongs to, nor her age (probably 25 to 30); was brought from the Coast of Africa when very young, but does not remember the name or the nation of the vessel, nor of the captain; never received any free ticket or paper of emancipation; does not understand what it means."

"Never was told she was a free woman, and she is sure she is not, because she must work when, where, and how she is ordered by the overseer."

"Never was sent to any place for religious instruction."

"Never was married, but has had two children; they are dead."

"Has worked for many years as a servant in the Government House."

"Never has received any wages in money, but has received rations and clothing."

"Has been punished with the lash."

Mem.—It seems to me that the only difference in the condition of this woman from slavery is, that she cannot be transferred. She has been paid wages in money by me, at the rate of 18*l.* sterling per annum.—E. W. H. S.

Examination of Phoebe,

A "free labourer" of the same class.

"Does not know the name of her tribe or nation; was brought from Africa before the great fire (1821); does not know her age (probably 40)."

"Does not know the name or nation of the vessel she came in."

"Never has received any 'free paper' or ticket of emancipation, and does not understand what it means."

"Never was told she was a free woman."

"Is sure she is not free, because she cannot go where she likes, as other free people can."

"Has worked in the fields with a gang."

"Has for a long time worked in the house of the Governor."

"Never was sent to receive religious instruction, but goes when she can to the Moravian church."

"Never received any wages in money, but has received rations and clothing."

"Never was married, but has two children by a black soldier who came over in the same ship from Africa with her; lives with him still, and sees him when his duty admits."

"Her children are grown up and are in service, but they get no wages in money, but do get their clothes and food."

"Has been punished by the lash."

Mem.—The condition of this woman is, if possible, worse than the other, for she sees her offspring doomed to the same hopeless state of labour as she herself has passed so great a period of her life in. She has been paid wages by me, at the rate of 18*l.* sterling per annum.—E. W. H. S.

Fourth Enclosure No. 221.

Mr. Schenley to the Governor-General.

Paramaribo, August 8, 1842.

THE Undersigned, Commissioner of Her Britannic Majesty, referring to the correspondence and interviews with the Secretary of the Government that took place last week, respecting the hiring from amongst the "emancipated negroes" of household servants for the service of the Undersigned, begs leave to state that he feels very sensibly the kind disposition which his Excellency the Governor-General has exhibited upon the occasion, but that the condition of the two women who have been sent to the Undersigned is not of that entire freedom, whatever may be their denomination, that can alone enable the Undersigned to avail himself of their services. They do not form a part of the negroes who were emancipated by the Mixed Court.

They have no tickets of emancipation; they never have been told they are free persons. They do not consider themselves free, nor are they considered free by this community, and they are liable to be removed from the establishment of the Undersigned upon various contingencies.

The mere fact, therefore, of their being now paid wages by the Undersigned, at however high a rate, would not secure him from the serious displeasure of his Government, did he retain persons in the above condition in his service. But should the Governor feel disposed so far to oblige the Undersigned as to permit him to communicate personally with the negroes who were emancipated by the Mixed Court, he feels confident that he could procure from amongst them the persons he requires, when they might each have their tickets of emancipation delivered to them, and being thereby placed in a fit condition, or, as his Excellency Baron Verstolk de Soëlen more forcibly expresses it in his note to Her Majesty's Minister, dated "La Haye, Mai 3, 1841. Assimilé à un negre libre de la Colonie."

The Undersigned could then have no scruples or fears of the displeasure of his Government in hiring them as domestics.

The Undersigned, &c.

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

(Signed) EDWARD W. H. SCHENLEY.

Fifth Enclosure in No. 221.

The Governor-General to Mr. Schenley.

SIR,

Paramaribo, August 10, 1842.

YOUR letter of the 8th instant, of which I have the honour to acknowledge the receipt on the same day, has led me to presume that, respecting the communication, which from my part has been made to you by the Government Secretary Mr. Schotborgh, some misunderstanding must have taken place.

After causing the necessary inquiries immediately being made, if, according to the desire expressed in your letter of the 23rd of July last, amongst the negroes of the brig "Snow," and "Los Nuevos," some might be found who were fit and felt disposed to enter your establishment as house servants, and said inquiries having had the result that those free labourers did not feel themselves inclined for the above purpose, I charged the Government Secretary, Mr. Schotborgh, to communicate the same to you, assuring you at the same time of my readiness, in consequence of the unexpected loss of one of the servants brought with you, to provide as much as possible temporary in it, by putting for some time at your disposal a cook and a washerwoman from amongst the servants attached to Government House, until an opportunity offered to procure yourself other domestics.

Without entering into the scruples and objections which will prevent you from availing yourself of the two servants belonging to the free labourers temporarily placed at your disposal, I have further only to declare to you, that I had but in view the pleasure of accommodating you temporarily, as well as to shew these free labourers that the colonial Government felt so much satisfied of the kind usage, care, and protection respecting them, that there could exist no scruples, on the part of Government, to see them employed somewhere else, in so far as they might feel disposed themselves.

In this respect it is an agreeable satisfaction for the Government that the free labourers from the brig "Snow" and "Los Nuevos" declared themselves uninclined to perform house-duties, as under the more particular care and protection of Government they feel perfectly contented. And this cannot be surprised at, considering that not only the necessary steps have been taken by the Colonial Government to have the negroes from the brig "Snow" and "Los Nuevos" treated on a footing, as has been stated by his Excellency Baron Verstolk van Soëlen, in the note alluded to of May 3, 1841, as I had the honour already of communicating to you, a few days after your return to the colony, on the occasion of an interview regarding the last concerns of Mr. John Samo, as Commissary Judge of Her Britannic Majesty upon this subject.

Moreover it will be my assiduous care to have the negroes from the "Snow" and "Los Nuevos" formed by religious instruction, as well as by strict performance of their duty to useful members of society, and happy beings for themselves.

With the conviction that you will fully applaud this object, and confident you will feel satisfied that, in my temporary situation, my most ardent wishes are to promote the well-conceived interests of all His Majesty's subjects in this colony, without any distinction of colour, by prompt measures, in accordance with righteous principles and social order, I hope, at the same time, I have sufficiently explained the reason why I had much pleasure in assisting you with two servants attached to Government House until you had provided in the completing of your house domestics.

In conclusion I have merely to bring under your notice that *any wages* for these temporary services would have been no object, while all their necessities are amply provided for by Government.

I have, &c.

Edward W. H. Schenley,
&c. &c. &c.

(Signed)

P. DE KANTER.

No. 222.

Mr. Schenley to the Earl of Aberdeen.

Paramaribo, July 26, 1842.

(Received Oct. 21.)

MY LORD,

I VERY recently had the honour to address your Lordship in reference to British subjects ("Barbadoes negroes") being held in slavery in Surinam. I then stated my conviction that had I been permitted by the local authorities to follow the course I proposed, of advertising in the newspapers, many of these persons would be found to exist in the above unhappy condition.

I have now the honour to transmit copies of a further correspondence with the Governor-General concerning *one of these negroes*, whom, by mere accident, I discovered myself, and who claims to be a subject of Her Majesty, and states that he has his mother and several brothers and sisters residing in Barbadoes. He has also named the individual by whom he was brought to Surinam; and, though he cannot recollect the date, says his history is too well known to admit of denial or subterfuge being resorted to as regards his origin. Notwithstanding these strong circumstances I could not induce the Governor to take cognizance of the case of this man, nor would his Excellency permit him to be examined in any way whatever.

Besides the grounds of objection to my demand already stated, he now adds that his acquiescence in such a measure "would furnish the owner of the negro 'Jack' with just complaint, as an intrusion on his right as proprietor of the slave!"

My Lord, the discovery of this most intelligent, and, as I learn from several persons who have employed him, most respectably conducted negro, furnishes, providentially, a case that cannot be evaded, and that I feel certain your Lordship will not permit to slumber. Yet I have little doubt that in the interim *he*, as well as all others similarly situated, will be exposed to much hardship, for I have been assured that since the fact of my questioning him has become known he has been looked upon as "doubtful property," and offered for sale at a reduced price. There is little doubt that every attempt will be made by the possessors of these British subjects to indemnify themselves in case of loss, perhaps by exacting more than even the amount of *slave* labour.

I therefore take the liberty to entreat earnestly, that, as I have brought this matter so prominently before this community, and corroborated my representations so fully as to produce to them a Barbadoes negro, who is held in slavery here, your Lordship will, as speedily as possible, obtain the consent of the Netherlands Government for the release of all such persons, and their transmission to British possessions.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

First Enclosure in No. 222.

Mr. Schenley to the Governor-General.

Paramaribo, July 25, 1842.

THE Undersigned, Commissioner of Her Britannic Majesty, has the honour to call the attention of his Excellency the Governor-General to the following important circumstance having relation to the correspondence concerning subjects of Her Majesty ("Barbadoes negroes") held in slavery in this colony.

On Saturday the principal white servant of the Undersigned, who is labouring under a fit of insanity, as is already known to the Governor, escaped from the house, and was carried back by some

CLASS A.

negroes. Amongst these persons there was one much more intelligent than the rest, who spoke English fluently, and rendered material assistance upon this distressing occasion.

These persons were desired to return on Monday (this day) to be remunerated, and on descending the steps of his house the Undersigned observed the intelligent negro before named. Upon thanking him for his conduct on Saturday afternoon, and being about to reward him, the Undersigned inquired how it happened that he spoke English so well, when the negro replied that "he was born at Barbadoes, and came over here with a Mr. Connoly; that he is now a slave to Mr. Paulesi, and works as head mason and bricklayer, having several apprentices under him learning their trade." The Undersigned then heard, for the first time, that this negro, who says his name is "Jack," has been employed by the proprietor of the house where the Undersigned resides, for the last fortnight, to execute some improvements upon the premises.

Thus, then, the Undersigned is enabled distinctly to point out *one* of the individuals of the class respecting whom the sympathies of Her Britannic Majesty's Government have been awakened.

The Undersigned has been thus exact in the details regarding the discovery of the condition of this Barbadoes negro, because he has specially noted the prohibition contained in his Excellency's letter of the 14th current—"not in any way" to perform acts having "the tendency of tracing within the territory of His Majesty for negroes which are supposed to be subjects of Her Britannic Majesty." Nevertheless the Undersigned would not fulfil the sacred duty committed to his care did he delay communicating the above fact to the Governor; and feeling assured that Her Majesty's Government would never have sent out to the Commissioners instructions regarding these negroes, of the nature which the Undersigned has already had the honour to communicate, without previous and due consideration, and the conviction that the said persons *are* subjects of Her Majesty, and as such entitled to their freedom. He therefore earnestly entreats the Governor to permit that the negro mason and bricklayer "Jack" may be fully examined in presence of the Undersigned touching his *parents, birth, arrival, subsequent employment, and present condition* in this colony, all of which particulars the Undersigned is desirous of transmitting to his Government.

The Undersigned, &c.
(Signed) EDWARD W. H. SCHENLEY.

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

Second Enclosure in No. 222.

The Governor-General to Mr. Schenley.

Paramaribo, July 25, 1842.

IN reply to your Despatch, wherewith I have been favoured yesterday, the 25th current, containing the request to the Colonial Government to permit that a certain negro, "Jack," bricklayer and mason, who in former years should be brought over by a Mr. Connoly of Surinam, and at present a slave belonging to a Mr. Paulesi of this place may be fully examined by you touching his *parents, birth-place, arrival at, subsequent employment, and present condition* in the colony of Surinam; I have to inform you that it is not in my power to grant said request; because in so doing I should transgress my duty, and consequently perform an arbitrary act.

I feel confident again you will fully appreciate the justness of my refusal when I beg to observe that the same objections which in general existed with me against the concurrence of the 12th July last, and which I communicated to you in my letter of the 14th inst., are wholly applicable to the present special case.

Moreover the question whether slaves within this colony, who, as in former years, having come over from the British colonies to this place, can be considered subjects of Her Britannic Majesty or not, as well in general as regarding every slave individually, only remains to be decided by the two cabinets of His Majesty and Her Britannic Majesty. The present proprietor besides, of the slave "Jack" alluded to, certainly would consider the examination desired by you as an intrusion on his right as proprietor of the slave "Jack," and if I was to assume the right of permitting such an examination to take place, said proprietor might institute a just complaint against me for having attacked his legal property. Nevertheless, although, for the reasons before stated, I may not grant your request for examining the negro "Jack," of Mr. Paulesi, I shall have much pleasure in calling again for the instructions of His Majesty's Government.

I have, &c.
(Signed) P. DE KANTER.

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

No. 223.

Mr. Schenley to the Earl of Aberdeen.

Surinam, August 1, 1842.

MY LORD,

(Received Oct. 6.)

I BEG leave to make a correction in the Despatch of the 26th ultimo which I had the honour to address to you respecting the Barbadoes negro "Jack," who is held in slavery in this colony.

The name of the present owner of this British subject is *G. Polichy*—not "Paulisse," as stated in my above Despatch.

The mistake originated in my having spelt the name from the negro's mode of calling it.

This *G. Polichy*, though a subject of the Netherlands, is not, I am told, a native of that country or its dependencies.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 224.

Mr. Schenley to the Earl of Aberdeen.

Surinam, October 1, 1842.

(Received November 19.)

MY LORD,

I HAVE been honoured by the receipt of your Lordship's Despatch dated August the 5th, 1842, with its enclosures.

It is with unfeigned satisfaction that I thus learn the ratification of a Slave Trade Abolition Treaty with the new State of Texas, and since it has been deemed expedient to recognize a community who, when all other nations are on the point of abandoning slavery, signalizes itself by the adoption of this unhappy population, I shall hope that so great a boon being conferred upon Texas, as the recognition by Great Britain, may ensure a strict fulfilment by the citizens of Texas of the solemn Treaty entered into between the two countries.

I trust your Lordship may not consider me egotistical, when I say that I feel more than ordinary interest upon this subject, from having been the first person who traced out and made an official representation to Her Majesty's Government of the nefarious slave-trading transactions that were carried on at the Havana, between the slave-traders of that place and those of Texas.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 225.

Mr. Schenley to the Earl of Aberdeen.

Surinam, October 2, 1842.

(Received November 19.)

MY LORD,

I HAVE this day been honoured by the receipt of your Lordship's several Despatches, of March 30, April 4, and July 12, 1842, together with their enclosures, and two copies of a series of Papers relating to the Slave Trade, which have been laid before Parliament during the recent Session, by Her Majesty's command.

I beg leave to express my thanks to your Lordship for the communication of those important documents.

I take the liberty to observe that a report has reached me, purporting that the Royal Mail Steam Packets are to discontinue their voyage to Demerara, in which event I fear that great delay must arise in the receipt of your Lordship's Despatches at this place; for although the steam vessels were very irregular in the performance of their contract, so far as related to coming to Surinam, yet the Company's agents at Demarara usually forwarded the mails by a sailing vessel, thereby affording a certainty of communication, which will now terminate. I feel great anxiety upon this point, owing to the interesting matters which I have had the honour to transmit, and the tardy method of corresponding with the Foreign Department (through Holland as formerly), will, I fear, be the means of materially delaying the execution of your Lordship's instructions.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 226.

*Mr. Schenley to the Earl of Aberdeen.**Surinam, Paramaribo, September 1, 1842.**(Received December 24.)*

MY LORD,

FROM an attentive perusal of the "Uruguay Treaty and its Annexes," I was induced to take the liberty of presenting one of the copies to my Dutch colleagues, to be deposited in the archives of the Mixed Court.

My chief object in so doing was to draw the attention of the local authorities to the stipulations of "Annex C," for regulating the "treatment of liberated negroes," the articles thereof so fully and clearly exhibiting the humane intentions of Her Majesty's Government towards these unfortunate people. I regret that I cannot flatter myself with obtaining any favourable result towards the suffering individuals of the same class in this colony, for I have not even experienced the courtesy of an acknowledgment of my Despatch.

I have felt it my duty to acquaint your Lordship with these circumstances; first, because I have appropriated a document sent out for the British Commission, and, secondly, to give another example of the manner in which communications upon such subjects are treated by the authorities here.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K. T.,

&c. &c. &c.

Enclosure in No. 226.

*Mr. Schenley to the Governor-General.**Paramaribo, August 15, 1842.*

THE Undersigned, Commissioner of Her Britannic Majesty, has the honour to transmit and deposit, for the information of his Netherlands' colleagues in the Mixed Court, a copy of a Treaty which has just reached him, and has been concluded between Her Majesty and the oriental republic of the Uruguay.

The Undersigned begs respectfully to invite the particular attention of his colleagues to the "Annex C" of this Treaty; the purpose of which is, "to secure to the negroes liberated under the stipulations of the Treaty, permanent good treatment, and a full and complete emancipation according to the humane intentions of the parties to the Treaty."

The Undersigned begs to reiterate to the members of the Court his high sentiments of respect.

His Excellency the Governor-General, (Signed) EDWARD W. H. SCHENLEY.
&c. &c. &c.

No. 227.

*Mr. Schenley to the Earl of Aberdeen.**Surinam, Paramaribo, September 2, 1842.**(Received December 24.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch and Enclosures, dated July 14, 1842.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K. T.,

&c. &c. &c.

No. 228.

*Mr. Schenley to the Earl of Aberdeen.**Surinam, Paramaribo, September 5, 1842.**(Received December 24.)*

MY LORD,

CONSIDERING it incumbent upon me to corroborate, by every means in my power, the statements I have transmitted relative to the oppressive and unjust treatment of the "emancipated negroes" in the colony of Surinam, I

beg leave to acquaint you, that having lately, upon several occasions, encountered the gang which is kept in this city, whilst performing the work assigned to them, I have invariably noticed that they were accompanied by a coloured overseer who was armed with a *savage-looking whip*, with which I am credibly assured he inflicts the severest chastisement upon them.

I would gladly have made an instantaneous appeal to the Governor-General respecting this flagrant disregard of the stipulations of the Treaty, as well as of the very recent assurances contained in the note of Baron Verstolk de Soëlen to Her Majesty's representative at the Hague, "*que ces negres soient aussi effectivement et bonâ fide traités comme le sont les negres libres,*" but that I find myself restricted from such a course by the instructions conveyed to the Commissioners here, in your Lordship's Despatch of June 28, 1830, which distinctly informs them that they have no authority officially "to interfere with respect to the treatment of the negroes," beyond communicating to Her Majesty's Government such information as they can rely upon, involving a breach of the Treaty towards the above negroes.

My Lord, the instructions and opinion contained in the above Despatch have already been quoted by the local authorities as a reason for resisting the demands of Her Majesty's Government, made through the medium of the Commissioners, and I humbly submit, that so long as they shall continue in force, and be held as the rule of guidance, and that the Commissioners are to consider their functions "merely of a judicial nature," no effectual steps can be taken by them in cases of this description, however revolting to humanity the causes may be that would render an interference desirable.

That the investment of the Commissioners with such an authority shall seem desirable to your Lordship, it is probable the sequel may prove.

On the second and third current the gang of "free labourers" (before alluded to, composed chiefly of females) were at work cleaning the streets in the immediate vicinity of my house; and from my windows I observed the same overseer, armed as usual with his formidable whip. Feeling a strong desire to examine one of these instruments of torture, I sent a servant to purchase it, desiring him also to inquire by what authority the overseer carried it. This overseer made no scruple in complying with my demand, further than to require that the servant should accompany him home for the purpose of furnishing himself with another, because he was compelled by the superintendent to carry this weapon, and to inflict it upon the "free labourers" whenever he (not the superintendent, but the coloured negro overseer) might think that their tasks have not been satisfactorily performed.

The whip is composed of a thong of plaited grass nearly two yards in length, attached to a cane handle, and I am told that even in less athletic hands than those usually chosen to wield them, every cut from it will draw blood. I can only say, that during a long experience in the army I never saw a "cat" of the same severity; but as it will be deemed a matter of interest, I shall avail myself of the first opportunity to forward it for your Lordship's inspection.

I ought, perhaps, again to state, that the negroes of whose condition I now complain, do not, I believe, belong to the cargo who were emancipated by sentence of this Mixed Court, and towards whom the stipulations of the Treaty have never been fulfilled, by the delivery of their certificates of emancipation. Bound as I consider myself by a solemn oath, as well as by the Royal Commission, to see the Treaty carried into full effect, at all events, in the instance of the negroes of the "*Snow*," I trust your Lordship will pardon my urging the necessity of such a representation being made upon this subject to the Government at the Hague, as may effectually set the question at rest, by securing to the above negroes the immunities they are entitled to by the Treaty, and respecting whom so many sophistical and evasive arguments have been resorted to for the purpose of retaining them in a condition of slavery, which, so far back as the year 1831, called forth the "very unfeigned regret" of Her Majesty's Government.

In concluding this Despatch I trust your Lordship may not deem me presumptuous, in venturing to express my deep concern at the epithets of "precipitation and prevarication" that have been used towards my late colleague by Baron Verstolk de Soëlen, upon the subject of the enlistment of negroes for the service of Holland, in this colony. Although I was not in Surinam when

the above Despatch was written, I beg emphatically to reiterate the statements it contains, and I am moreover prepared, if I obtain due authority and support, to prove them, as well as, first, that the negroes who were emancipated by the Mixed Court, as well as all other negroes who have been seized by the colonial authorities under the provisions of the Treaty, have been, and continue to be, treated as slaves, and not as "*negres libres de la colonie*," that they are subject to the same "*chatiment*, not awarded upon trial by judgment, but inflicted arbitrarily," as well as "complete subjection to the will of others."

Secondly, I deny the correctness of the assurance given to Her Majesty's Minister at the Hague, by Baron Verstolk de Soelen, on May 3, 1841.

"*Que si un de ces individus, parfaitement libre, desire quitter la colonie de Surinam, il en est sans doute le maitre, et personne assurément ne l'empêchera.*" Any of the "free labourers" making such a demand would be probably considered insane.

Thirdly, that during nineteen years, the tickets of emancipation, which ought to have been delivered by the Mixed Court to the negroes of the "*Snow*," have been improperly retained in the possession of the local Government (where I examined them), thereby rendering the Treaty a dead letter. Nevertheless, to use the language of Baron Verstolk's Despatch, I shall indulge the hope, that when, through the intervention of your Lordship, the attention of the Government of the Netherlands shall have been called to the above statements, that Government may really consider it "a matter of congratulation," that "there is a British functionary at Surinam, owing to whose presence the state of things of which he is a witness shall be brought forward, and will disappear for ever."

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 229.

Mr. Schenley to the Earl of Aberdeen.

Surinam, September 8, 1842.

(Received December 24.)

MY LORD,

I HAVE just been informed that the present *ad interim* Governor-General, M. P. De Kanter, is to be relieved from his duties by a gentleman who has been appointed as Governor to the Netherlands' West India possessions.

Respectfully referring to my Despatches relative to the treatment of the emancipated negroes, as well as to the British subjects, "*Barbadoes negroes*," held in slavery in this colony, I venture respectfully to suggest that much time and suffering to the above persecuted people may be saved, if, previous to the departure of the new Governor from Holland, consideration be given to these questions.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 230.

Mr. Schenley to the Earl of Aberdeen.

Surinam, September 13, 1842.

(Received December 24.)

MY LORD,

I HAVE the honour to refer to my Despatch of the 5th instant, and herewith forward for your Lordship's inspection "the whip" which I purchased from the overseer of the "Government free labourers," with which he is autho-

rised to inflict "*chatiment*" upon these unfortunate persons whenever he may consider they have not fulfilled their tasks.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 231.

Mr. Schenley to the Earl of Aberdeen.

Surinam, November 21, 1842.

(Received December 30.)

MY LORD,

I HAVE the the honour to acquaint your Lordship that on the 12th current, the newly appointed Governor-General, Mr. J. B. Elias, arrived in this colony, and assumed the duties of his office. I was prevented by indisposition from attending the ceremony of receiving His Excellency, and addressed him a letter to that effect, but on the 19th I paid my personal respects to him, and received the assurance that he would give every attention to any representations I might address to him.

In the absence of any instructions from your Lordship up to this date, I trust I may not be deemed in error if I continue my exertions to obtain the favourable co-operation of Governor Elias, in carrying out the stipulations of the Treaty, as regards the "emancipated negroes," as well as tracing out the British subjects (Barbadoes negroes) who may be held in slavery in this colony.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

Enclosure in No. 231.

Surinam, November 12, 1842.

THE British Commissioner presents his respectful compliments to the Governor-General, and begs to congratulate his Excellency upon his safe arrival in the colony. He regrets that he is prevented, by indisposition, from attending the ceremony of receiving his Excellency on landing, but will take an early opportunity of paying his respects to his Excellency.

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