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Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS,

AT

**SIERRA LEONE, HAVANA, THE CAPE OF GOOD
HOPE, LOANDA, AND NEW YORK;**

AND

REPORTS FROM

BRITISH VICE-ADMIRALTY COURTS,

AND FROM

BRITISH NAVAL OFFICERS,

RELATING TO

THE SLAVE TRADE

From January 1 to December 31, 1866.

Presented to both Houses of Parliament by Command of Her Majesty.
1867.

LONDON:

PRINTED BY HARRISON AND SONS.

REPUBLICAN PARTY

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Class A.

CORRESPONDENCE

WITH

BRITISH COMMISSIONERS.

SIERRA LEONE.

No. 1.

The Earl of Clarendon to Her Majesty's Acting Judge.

Sir, *Foreign Office, January 23, 1866.*
I TRANSMIT to you herewith, for your information, copies of a correspondence which has passed between the Spanish Minister at this Court, and this Department, relative to the delay that took place in adjudicating the Spanish ship "America," condemned on the 25th of August, 1864, in the Mixed Commission Court at Sierra Leone, on a charge of being equipped for the Slave Trade.

I do not doubt that the delay that took place in the adjudication of this case was unavoidable, but still the fact that the sentence condemning the "America" was not passed until eleven days after the two months had expired which is prescribed by Treaty as the period within which cases brought before the Mixed Commission Courts are to be adjudicated, constitutes an irregularity which justified a remonstrance on the part of the Spanish Government.

I wish, therefore, to place on record the desire of Her Majesty's Government that for the future no delay that can by any possibility be avoided should be allowed to intervene, and to prevent the cases of vessels coming before the Mixed Commission Courts from being adjudicated within the period prescribed by Treaty.

I am, &c.

(Signed) CLARENDON.

Inclosure 1 in No. 1.

M. Comyn to Earl Russell, March 10, 1865.

[See Class B, 1865, Inclosure 1 in No. 265.]

Inclosure 2 in No. 1.

Earl Russell to M. Comyn, May 27, 1865.

[Ibid., Inclosure 3 in No. 265.]

Inclosure 3 in No. 1.

The Marquis de Molins to the Earl of Clarendon.

(Translation.)

My Lord,

Spanish Legation, London, November 6, 1865.

THE Government of my august Sovereign, to which my predecessor duly transmitted the reply given by the Foreign Office on the 27th May last to the note of Señor Comyn of the 10th March, relative to the condemnation of the Spanish frigate "America," on account of suspicions of her being engaged in the Slave Trade, has carefully considered the reasons detailed in that reply.

It does not pretend, however, to raise a doubt, but on the contrary it admits, in accord with Her Britannic Majesty's Government, and in fulfilment of the Treaty of 1835, that there is no appeal against the sentence of the Mixed Court of Sierra Leone. It likewise acknowledges that the law has not foreseen the case now in question. But far from deducing from these premises that it is a matter of little consequence to keep the terms of judgment formally prescribed in Article III, Annex B, of the aforesaid Treaty, my Government is of opinion, and expressly commands me to call the attention of Her Britannic Majesty's hereto, that it would be deplorable if the irregularity committed should pass without correction, and that if repeated in future, a jurisprudence might be established thereon opposed to the very text of the Treaty; and I even venture to say, following the example of the Foreign Office, in contradiction with natural reason.

In effect, for the very reason that the Mixed Court has to accommodate itself with latitude, and somewhat freely, to a law which does not explicitly include all cases, for the reason that there is no appeal from the judgments of this Court, for this very reason it is that those same forms, which are the defences and guarantees of justice, clearly ought to be the more scrupulously maintained.

Wherever the judgment of the Magistrate is subject to complete and detailed texts, wherever a sentence which is, after all, fallible, as being human, admits of an appeal, and may be amended or revoked, there the forms may be more flexible; they are worthy of respect, but they are not sacred.

But in those judgments where a magistrate is more a dictator than a judge, where, moreover, a sentence admits of neither modification nor amendment, if there the protecting forms of justice yield to circumstances, or be not respected with religious scrupulosity, what guarantee is there for the innocent man?

These principles, more and better observed in the English Legislature than anywhere, cannot be ignored by Her Britannic Majesty's Government. Nor will it avail, in the opinion of the Undersigned, to say that in the present case the term of two months was only exceeded by a postponement of eleven days, nor to talk of the hypothesis that a case may go on for two months and a second.

All legislations determine such periods, and reason yields to the prescript written in the law, and marked by time.

A minor has no rights one day or minute before he becomes of full age, notwithstanding that his precocious understanding may render him capable of great conceptions.

Even the criminal escapes hanging if the age of malice pointed out by the legislation has not arrived for him, day for day and hour for hour, and has not given to his act the character of being punishable.

On the other hand, and without assailing the sacredness of a matter adjudicated, if a prorogation of eleven days is granted for the accusation, an equal delay will be demanded to-morrow for the defence.

Why may not the eleven days be twenty or thirty, or two months? In this way we might soon arrive, contrary to the will of both Governments, to substitute delay of Court for peremptoriness of action, and the troublesome dilatory movement of the forum for the good and satisfactory procedure of justice.

What limit, then, should there be fixed for a trial? We have no need to trouble ourselves in finding one: that which is explicitly and positively indicated by the Treaty. Beyond that prescription steps in, just as jurisdiction ceases beyond 38° of latitude. These are the limits of time and space which mark the boundaries of the Court's action, which, like every human institution, has its end.

These considerations, which reason easily dictates and strengthens, are distinctly and literally stated in the Treaty, which says clearly and categorically in Article III, already mentioned:—"Sentences shall be pronounced within the term of twenty days, and in no case beyond the period of two months."

To extend the term, then, like extending the place and the competency, is to infringe and violate the Treaty, which, with a fixed object, established a Court to exercise its action on affairs in time and place fixed, and in no other.

The acceptance of any other doctrine will by-and-by produce the incongruity of giving efficacy to a sentence which is legally null and ineffective, as being pronounced beyond the time which the law prescribes, especially as by that very law there is no appeal.

If, as Her Britannic Majesty's Government admits, the law has not provided for the case in question, such omission should not prevent Spain, who is constantly required to fulfil the Treaty, from doing all that appertains to her for obtaining an equally scrupulous observance of all and every one of the provisions of the same.

I have, &c.

(Signed) EL MARQUES DE MOLINS.

Inclosure 4 in No. 1.

The Earl of Clarendon to the Marquis de Molins.

M. le Ministre,

Foreign Office, December 30, 1865.

HER Majesty's Government have had under their consideration the letter which you did me the honour to address to me on the 6th ultimo, taking exception to the views of Her Majesty's Government as laid down in the note addressed by my predecessor to M. Comyn on the 27th of May last, in which Earl Russell justified the decision of the Mixed Commission Court at Sierra Leone condemning the Spanish ship "America" after the expiration of the two months prescribed by Treaty as the period within which cases brought before the Mixed Commission Court should be adjudicated.

It is satisfactory to Her Majesty's Government to observe by your letter, that the Government of Her Catholic Majesty have now abandoned all objections to the lawfulness of the sentence condemning the "America," except the one that is founded on the sentence in this case having been pronounced eleven days after the expiration of the period prescribed by Treaty for the adjudication of cases.

In view, however, of the objections urged in your note on this point, it may not be inexpedient to enter into a full consideration of the Treaties between the two countries which bear upon this subject, of the peculiar character of the tribunals created by them, and of the course, practice, and usage by which the provisions of these Treaties have hitherto been carried into effect.

The first Treaty between England and Spain for the suppression of the Slave Trade was concluded at Madrid on the 23rd of September, 1817.

The second and last Treaty was signed at Madrid on the 23rd of June, 1835. This Treaty recites that the King of England and the Queen of Spain, "being desirous of rendering the means taken for abolishing the inhuman Traffic in Slaves more effective, have, in order to obtain this important object, resolved to conclude a new Convention in the spirit of the Treaty contracted between both Powers on the 23rd of September, 1817."

This Convention it should be observed neither annuls nor supersedes the Treaty of the 23rd of September, 1817; but, on the contrary, it extends the power given by the latter instrument to suppress the Slave Trade.

Now, the 3rd section of the Regulation for the Mixed Commissioners of the first Treaty is identical in substance with the 3rd section of Annex B, for the Regulation of the Mixed Courts, of the Treaty of the 23rd of June, 1835. The difference in the language is immaterial both in the Spanish and in the English Treaty. The clause in both Treaties provides that the final sentence shall not be delayed beyond the period of two months.

In Earl Russell's note to M. Comyn of the 27th of May last, the reasons of Her Majesty's Government were stated for thinking that the above words, however stringent in themselves, were directory; and that whatever punishment the neglect of the order contained in them might entail upon the Judge, such neglect would not necessarily render null and void a sentence passed after the expiration of the two months.

I think it right to restate and reinforce this opinion; and first, it is obvious that the construction which would render null and void all sentences passed, in whatever circumstances of overwhelming necessity, directly after that period had expired would defeat "the spirit of the Treaty" referred to in the citation which I have already quoted from the preamble.

I must be permitted to say that the answer of the Spanish Government to the observations on this point contained in Earl Russell's note of the 27th of May is not satisfactory, and the cases put in the letter which you did me the honour to address to me on the 6th ultimo, are, in the opinion of Her Majesty's Government, really not founded upon any analogy to the one now under discussion. The case of the minor and of the criminal, of whose acts the law takes no cognizance until they have arrived at a certain age, are cases in which their authority and power have not begun, or even been vested in them, and are in principle unlike the case of the Judge in whom the authority is vested, and who is in the course of rightfully exercising it at the time when the particular hour arrives at which it is said that his authority ceases, not because, like the minor, he never possessed it, but because he had not exercised it in the particular instance with sufficient dispatch. It is manifest that the illness of a Judge, or other unavoidable cause, might render the delivery of the Judgment within the two months impossible. Her Majesty's Government hold that the Treaty is not to be construed upon the technical principles of a criminal statute, but upon the broadest principles of good faith, and with a view of carrying the object of it into effect. There is no doubt that the object was to compel all proceedings "to take place as summarily as possible," according to the words in the earlier part of the section, and the period of two months was fixed upon as the period in which all causes should be concluded and all sentences given.

But the question is whether it was the intention of the Treaty that the delivery of the sentence upon the expiration of two months, should render the sentence, which would be fully warranted by the evidence, null; or that it should render the Judge liable to censure or removal, as the case may be.

Her Majesty's Government are of opinion that the latter is the construction of the words "shall not be delayed beyond the period of two months." For while on the one hand there are no words (and this is to be carefully remarked) expressly providing that the sentence shall be null; on the other hand, in the original Treaty of 1817, which is still to be considered in force, it is provided by clause 10 of the Regulations, that when the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissioners, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for the purpose of removing, when they think fit, the individuals who compose these Commissions."

Such being the construction of the words, which the reason of the thing would suggest, it becomes very important to see whether previous authority has so construed them, and also whether both the Contracting Parties to the Treaty have, by their practice and usage (which are the best interpreters of the Treaty), acquiesced in this construction.

It appears to Her Majesty's Government that with respect to both these points the ground is very firm. The question as to the directory character of the words of the Treaty was first raised in the case of the "*Fabiana*," in the year 1823, when in the month of November in that year the Sierra Leone Commissioners reported to the Secretary of State for Foreign Affairs as follows:—

"Upon a consideration of the facts disclosed in Mr. Batt's affidavit that the '*Fabiana*' was sent hither for adjudication at the discretion of a subordinate officer of the 'Owen Glendower,' we are of opinion that such a sending in for adjudication was irregular, inasmuch as it appeared to be opposed to the letter and the spirit of the Treaty with Spain. We conceive that that Treaty solely vested in the Commander of a ship of the Royal Navy, properly authorized to make seizures of vessels suspected to be engaged in the Traffic of Slaves, the discretion to send in for adjudication vessels detained by him, or under his authority by boats of his ship.

"The limitations to the right of search are such, under the Treaty, that it appears to be the very foundation of that right that it should be exercised with the greatest precaution by the Commanders of ships of war, to whom the Instructions under the Treaty are issued; that consequently the more important right of sending in a vessel for adjudication should only be exercised by those Commanders, in order that the Powers concerned in the Treaty may be fully assured that such right will not be exercised but upon a mature consideration of the reasons for her detention, and upon a proper reference to the Commander's instructions."

To this despatch the British Government at the time replied that, "the detention having been made by a competent officer, and the declaration which was omitted not being enjoined to be given in all cases, but only where held to be necessary, the circumstance that the captured vessel was sent in for adjudication by the subordinate officer, though an irregular act, was not so irregular but that the Commissioners might have proceeded to adjudication."

And the British Government further pointed out what they held to be the sound construction of the Treaty, viz., "that, although the Government might be answerable for losses occasioned by deviations from the Treaty, still every deviation did not necessarily invalidate a capture.

"That under these circumstances, and in this view of the case, it appeared to them that the Commissioners should have rather proceeded to adjudication than have suspended their proceedings, and should have ordered the '*Fabiana*' to be sold." And the Commissioners were, therefore, directed to "act upon this opinion in the case of the '*Fabiana*,' and on similar occasions so far as circumstances would allow of it."

I would here beg leave to observe that, although in this case the particular section of the Treaty now in dispute was not decided upon, still it is valuable as deciding the principle by which deviations from the Treaty are to be governed.

In another case, that of the Spanish vessel "*Conchita*," captured by a British cruiser on the 10th of June, 1823, her papers were brought into the Registry of the Sierra Leone Court on the 29th of August of that year, and the case came before the Court on the 9th of February, 1824, but no sentence was passed till the 20th of July, 1835, when the Court adjudicated upon the case in obedience to instructions from this Department.

In a third case, that of the "*Rosarita*," the vessel arrived at Sierra Leone on the 1st of February, 1836, and was condemned on the 23rd of the following July. In this case, two months having elapsed since the filing of the claim, the claimant's proctor, on the 25th of April, deemed it right to petition the Court to be allowed to record a protest for his client against the fact of no judgment having been pronounced upon the detained vessel within two months as stipulated in the IIIrd Article of Annex B to the Treaty of 1835, and a formal protest under notarial seal accompanied the Petition.

The Court, however, under the peculiar circumstances of the case, did not consider it right to permit a protest to be recorded against its proceedings, and upon this view rejected the Petition of the claimants' Proctors.

It will be unnecessary for me to enter into the particulars of all the cases which Her Majesty's Government could quote in support of the views they maintain in this matter, but I inclose, for your information, a list containing the names of twenty-six vessels upon which sentences have been passed by the Mixed Commission Court at Sierra Leone after the lapse of the two months prescribed by Treaty, and which sentences have been acquiesced in by the Spanish Government.

I will only, in conclusion, add that, if the interpretation were admitted which the Government of Her Catholic Majesty now seeks to place upon the IIIrd Article of Annex B to the Treaty of 1835, viz., that a failure on the part of the Mixed Commission Courts to pronounce sentence on cases coming before it within the period of two months, places such cases as may be prolonged beyond that period out of the jurisdiction of the Court, and renders any subsequent sentence null and of no effect, slave-dealers would only have to place every possible impediment in the way of the Court, and by delaying its proceedings beyond the period of two months they would thus succeed in escaping its jurisdiction.

Her Majesty's Government feel convinced that it never was the intention of the Contracting Parties when the Treaty was framed, any more than it is the wish of the Government of Her Catholic Majesty at the present moment, to place any such interpretation upon the Article in question.

I am, &c.
(Signed) CLARENDON.

No. 2.

Her Majesty's Acting Judge to the Earl of Clarendon.—(Received February 8, 1866.)

My Lord,

Sierra Leone, December 31, 1865.

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

I have, &c.
(Signed) HORATIO JAS. HUGGINS.

No. 3.

Her Majesty's Acting Judge to the Earl of Clarendon.—(Received February 8, 1866.)

My Lord,

Sierra Leone, December 31, 1865.

I HAVE the honour to acquaint your Lordship that no cases have been adjudicated in the several British and Foreign Mixed Courts of Justice established in this Colony for the prevention of the illicit Traffic in Slaves, during the half-year ending this day.

I have, &c.
(Signed) HORATIO JAS. HUGGINS.

No. 4.

The Earl of Clarendon to Major Blackall.

(Extract.)

Foreign Office, February 23, 1866.

I HAVE to acquaint you that the Queen has been graciously pleased to appoint you to be Her Majesty's Judge in the Mixed Courts of Justice established at Sierra Leone under the several Treaties concluded between Great Britain and foreign Powers for the suppression of the Slave Trade, and I transmit to you herewith Her Majesty's Commission to that effect.

No. 5.

Her Majesty's Acting Judge to the Earl of Clarendon.—(Received March 14.)

My Lord,

Sierra Leone, February 5, 1866.

I HAVE the honour to transmit herewith to your Lordship a Return of vessels captured on suspicion of being engaged in the Slave Trade which have been adjudicated by the Vice-Admiralty Court in this Colony during the year ending December 31, 1865, under the Act 5 Geo. IV, cap. 113.

I have, &c.
(Signed) HORATIO JAS. HUGGINS.

Inclosure in No. 5.

RETURN of Vessels captured on suspicion of being engaged in Slave Trade, and adjudicated by the Vice-Admiralty Court at Sierra Leone, from January 1 to December 31, 1865.

Name of Vessel.	Flag.	Name of Master.	Date of seizure.	Where captured.	Property seized.	Seizor.	Date of Sentence.	Number of Slaves captured.	Number of Slaves fore adjudication.	Total Number emancipated.	Tonnage, English.	Decretal. part of Sentence, whether Forfeiture or Restitution.	Statute under which Sentence was passed, Prosecution instituted.	Whether the property concerned has been sold or converted, and whether any proceeds remain unsold, and in whose hands the proceeds remain.	Remarks.
Cance	None	Unknown	1865 May 1	Lat. Off Kent	Cance and contents	J. B. Elliott, Esq., Manager of Kent	1865 May 16	5	5	5	Tonn.	Forfeiture	5 Geo. IV, c. 113	Cance and contents sold at public auction; proceeds not sufficient to pay expenses; deficiency to be paid by seizer.	
Ditto	None	Ditto	Oct. 4	Free Town Harbour	Ditto	T. Pike, Esq., Harbour-master.	Oct. 19	20	20	30		Ditto	Ditto	Ditto.	
Ditto	None	Ditto	Oct. 21	Off Gorterich	Ditto	J. B. Elliott, Esq., Manager of Kent	Nov. 23	..	..	..		Restitution	Ditto	..	In this case two boys were in the canoe when seized. The Acting Judge not deeming them proper to be slaves condemned the seizer in all costs.

(Signed) THOMAS MARSTON, Registrar.

Her Majesty's Acting Judge to the Earl of Clarendon.—(Received March 14.)

My Lord,

Sierra Leone, February 15, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of January 23, 1866, transmitting copies of a correspondence between the Spanish Minister at the British Court and Her Majesty's Foreign Department, relative to the delay in adjudicating the case of the Spanish ship "*America*" condemned in the Mixed Courts of Justice here on August 25, 1864.

The correspondence above referred to being placed on record in this Court, the Judges will have it before them for their future guidance.

I was at the time Queen's Advocate and Counsel for the captors, and I can fully confirm Governor Blackall, who was then the Acting British Judge, in his Report to Earl Russell of the causes of the delay (despatch September 17, 1864); the delay was really unavoidable, and your Lordship will observe on examination of the inclosed schedule of papers, containing the dates on which the various petitions and other proceedings in the cause were presented and filed, that the Proctor for the captors acted promptly throughout, and that the necessity for landing the cargo of loose rice to enable the surveyors to complete the survey ordered by as well the Spanish as the British Judge, stopped all further legal proceedings for nearly four weeks, viz., from June 23 to July 19; that the discovery of, and permission to file, additional evidence materially tending to prove equipment and slave-dealing, caused a further delay of eight days; and that, notwithstanding these unavoidable and unnecessary delays, the final sentence might have been pronounced within the two months but for the objections made by the Spanish Judge in several instances to the admission of documents and evidence which, in consequence, had to be referred to the Arbitrator, causing a detention in one instance of six days, the decision of the Arbitrator being against the opinion of the Spanish Judge in every instance.

The Annex B is declared to form an integral part of the Treaty, but being "Regulations" for the Mixed Courts of Justice, and merely directory, the Judges can only be expected to carry them out in the spirit of the Treaty, and in furtherance of justice; and if the Judges had stopped the case of the "*America*" at a stage at which they could only have had time to hear argument and to come to a decision within two months, they must have excluded evidence for the claimant, who might then have applied for further time for his defence, and given security as required by Article 3 of the Annex. Neither of the Judges, British or Spanish, considered this course necessary; the case was near its close, and the subsequent objection of the Spanish Judge in his judgment for restoration based upon this point, followed up by the remonstrance of the Spanish Minister at the British Court, appears to me most strange. It was surely the duty of the Spanish Judge under Article 3 of Annex B, to have noticed and checked the delay, if he considered it material to the validity of the judgment of the Court that the "final sentence should not be delayed beyond the period of two months," more particularly when a portion of that delay sprung from himself, and in the exercise of his judicial functions.

I must in justice to the Registrar state what I know to be a fact, that he constantly kept that office open to unusually late hours for the reception of petitions and other documents; otherwise the delay would necessarily have been much greater.

I have, &c.

(Signed) HORATIO JAS. HUGGINS.

Inclosure in No. 6.

SCHEDULE of Papers in the case of the ship "*America*," Antonio Bisquert, Master.

No.	Date.	Description of Document.	When Filed.
	1864		1864
1	June 14	Marshal's Report	June 15
2	17	Petition for affidavit of seizure and the declaration of the seisor to be received, for monition to issue, and for evidence to be produced	17
3	17	Affidavit of seizure, with 5 annexes	17
4	18	Order for the Marshal to take charge of the vessel	18
5	20	Examination of the Master of the said vessel on standing and special interrogatories	20
6	20	Examination of the mate on ditto	20

No.	Date.	Description of Document.	When Filed.
	1864		1864
7	June 21	Examination of the boatswain on standing and special interrogatories	21
8	22	Petition for publication of evidence taken on the standing interrogatories	22
9	21	Petition for a Commission of Survey and Inspection	22
10	17	Monition	27
11	24	Petition for leave to file claim and affidavit in support thereof	27
12	28	Petition for rice, &c., to be landed, to enable the surveyors to complete their survey	28
13	30	Petition with special interrogatories to be administered to the master	30
14	30	Examination of the said master on special interrogatories	30
15	July 2	Petition to permit seizer's case to be kept open until the report of survey is filed	July 4
16	12	Order for the Marshal to place additional shipkeepers on board	12
17	June 23	Commission of survey and inspection	19
18	July 18	Report of survey	19
19	20	Petition for affidavit of Prize Officers to be received, and the evidence of the seizer will then be closed	26
20	27	Petition for leave to inspect the "America," and for further time to close the defence in this cause	29
21	29	Interrogatories to be administered to M. I. Dunlop, Esq., Lieutenant of Her Majesty's ship "Ariel," on the part of the claimant	30
22	29	Petition for leave to administer special interrogatories to Thomas Pike and James Pinnock, Surveyors	30
23	30	Examination of M. I. Dunlop, Esq., on special interrogatories put on behalf of the claimant, by permission of the Judge of the said Court	30
24	30	Petition for leave to admit the affidavit of Messrs. Hazleborg and Reale, on behalf of the claimant	30
25	Aug. 1	Examination of Thomas Pike, Surveyor, on special interrogatories put on behalf of the claimant	Aug. 1
26	1	Examination of James Pinnock, Surveyor, on ditto	1
27	1	Petition for further time to file defence in this cause	2
28	2	Petition, with additional interrogatories to be administered to Thomas Pike Esq., and James Pinnock, Esq., Surveyors	2
29	2	Petition for leave to administer interrogatories to John F. G. Leacock, Esq., and John S. Snell, Esq., of Her Majesty's ship "Ariel"	2
30	3	Examination of Thos. Pike, Surveyor, on special interrogatories put on behalf of the claimant	3
31	3	Examination of James Pinnock, Esq., Surveyor, on special interrogatories	3
32	3	Examination of J. F. G. Leacock, sub-Lieutenant, on ditto	3
33	3	Examination of J. S. Snell, Acting Second Master, on ditto	3
34	5	Petition, with affidavit, in support of defence annexed	5
35	8	Petition, with affidavit, for additional evidence to be received, and that two days extension of time to reply may be granted	9
36	9	Petition, with affidavit, of Lieutenant Dunlop, in reply to the claimant's evidence	11
37	9	Petition, with affidavit, of A. Pike, in support of the statements made by Manoel Martinez on behalf of the seizer	11
38	12	Petition for publication of evidence taken by seizer in reply to claimants' case	12
39	12	Petition for permission to be given to certain parties on board the "America" to come on shore for the purpose of making an affidavit	13
40	13	Petition for permission to be given to the mate and boatswain to come on shore for the purpose of making an affidavit	13
41	13	Petition with the affidavit of Anto. Bisquert, Manoel Aveno, Franco. Morales, Roberto Aranda, and Pedro de la Cruz, in support of defence	13
42	16	Petition for day of trial	16
43	18	Decision given in reference to the objection taken by the claimants to the jurisdiction of the Court after the expiration of two months, without security being taken	18
44	25	Opinion of the Acting British Judge in the case of the Spanish ship "America"	25
45	25	Opinion of the Acting Spanish Judge	25
46	25	Judgment of the Acting British Arbitrator	25
47	25	Sentence pronounced	25

No. 7.

Her Majesty's Judge to the Earl of Clarendon.—(Received August 9.)

My Lord,

Sierra Leone, June 30, 1866.

I HAVE the honour to acquaint your Lordship that no cases have been adjudicated in the several British and Foreign Mixed Courts of Justice established in this Colony for the prevention of the illicit Traffic in Slaves during the half-year ending this day.

I have, &c.

(Signed) SAM. W. BLACKALL.

No. 8.

Her Majesty's Judge to the Earl of Clarendon.—(Received August 9.)

My Lord,

Sierra Leone, June 30, 1866.

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

I have, &c.
(Signed) SAM. W. BLACKALL.

No. 9.

Her Majesty's Judge to Mr. Layan...—(Received August 9.)

Sir,

Sierra Leone, July 20, 1866.

I HAVE the honour to report that no cases have been adjudicated by the Vice-Admiralty Court of this Colony during the half-year ending on the 30th ultimo.

I have, &c.
(Signed) SAM. W. BLACKALL.

No. 10.

Her Majesty's Judge to Lord Stanley.—(Received November 10.)

My Lord,

Sierra Leone, October 1, 1866.

I HAVE the honour to submit to your Lordship my Report on the Slave Trade for the year ending on the 30th ultimo.

No vessel has been brought for adjudication before the British and Foreign Mixed Courts of Justice during that period; consequently neither the number of cases adjudicated from the establishment of these Courts in June 1819, nor the number of slaves emancipated—of which the former is 535, and the latter 56,935—has been increased.

In the Vice-Admiralty Court of this Colony two cases have been adjudicated under the Act 5th Geo. IV, cap. 113.

The first was a canoe, seized by Mr. Thomas Pike, the Harbour Master, with 30 slaves on board, which was condemned on the 19th October last, and the slaves emancipated.

The second seizure was made by Mr. J. B. Elliott, Manager of the Western District of this Colony, of a canoe with 2 boys on board, who were supposed to have been held in bondage. The Acting Judge of the Vice-Admiralty Court, however, not deeming them proved to be slaves, condemned the seizer in all costs.

With reference to the North of this Colony, I have not heard of a single cargo of slaves having been shipped during the past year, although it was rumoured here that there was a Spanish slaver in the Pongas; but Her Majesty's steam-sloop "Pandora," which had been cruising in that locality, found no such vessel in that neighbourhood.

The only capture that I have heard to the South was that of the Portuguese ship "Dahomey," seized by Her Majesty's ship "Espoir," and taken before the British and Portuguese Mixed Commission Court at Loanda, the particulars of which I have no doubt have been reported to your Lordship.

I have, &c.
(Signed) SAM. W. BLACKALL.

HAVANA.

No. 11.

Her Majesty's Commissary Judge to the Earl of Clarendon.—(Received January 30, 1866.)

My Lord,

Havana, December 31, 1865.

I HAVE the honour of reporting to your Lordship that no emancipated negroes have been sent from this to Jamaica during the year now ended.

I have, &c.

(Signed) ROBERT BUNCH.

No. 12.

Her Majesty's Commissary Judge to the Earl of Clarendon.—(Received January 30.)

My Lord,

Havana, January 1, 1866.

IN obedience to Act 5 Geo. IV, cap. 113, directing such Returns to be made on the 1st of January and 1st of July in each year, I have the honour to report that there was no case brought for adjudication before the Mixed Court at this place during the last six months.

I have, &c.

(Signed) ROBERT BUNCH.

No. 13.

Her Majesty's Commissary Judge to the Earl of Clarendon.—(Received April 30.)

My Lord,

Havana, April 4, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 28th of February last, inclosing a copy of a project of law which has been introduced into the Spanish Cortes for the more effectual repression of the Slave Trade.

Your Lordship desires to be furnished with my opinion and with any suggestions which I may have to offer with a view to the amendment of this Bill. I have accordingly carefully studied its provisions, and in conjunction with Mr. Crawford, the Clerk of the Slave Trade Commission, whose experience enables him to give me much valuable assistance, have collated it with the existing Penal Law of 1845.

I think there can be no doubt that the present Bill is a vast improvement on the law now in force; but it seems to me to be equally clear that there is still room for amendment.

In the first place the one thing wanted, without which it is doubtful that the Slave Trade can ever be repressed, is not granted in this Bill. That infamous traffic is not declared to be piracy, and the pain of death pronounced in Articles 9 and 10 is reserved for an offence hardly possible to be committed, namely, for armed resistance offered by the crew of a slaver to a man of war.

I am very glad to see that Article 9 of the existing law finds no place in the present Bill. That clause alone is almost sufficient to neutralize all the prohibitive provisions of the whole Act; for it distinctly forbids the only course of proceeding by which the authorities can really ascertain whether African negroes have been smuggled into a plantation or not. "En ningun caso ni tiempo" (are the concluding words of this strange Article) "podrá procederse ni inquietar en su posesion á los propietarios de esclavos, con pretexto de su procedencia."

CLASS A.

It is difficult to conceive how an Act containing such a provision can have been supposed to be efficacious for the suppression of the Slave Trade.

Now, the present Bill does certainly by its Article 24 seem to annul this extraordinary clause; and in Article 40, again it is expressly stated that all previous enactments which may be at variance with the intentions of the proposed Bill are repealed and abolished. But I venture to think that the framers of the Bill might, and ought to go a step further, and distinctly provide for a proper visitation of every estate and for the examination of its register of slaves, such visitation and examination to be made either at regular periods, or from time to time at the discretion of the authorities, who should also be empowered and required to make thorough search of any estate or plantation to which unregistered slaves may be suspected to have been conveyed.

With such amendments I am inclined to think that the projected law, if carried into effect, will be as satisfactory as any Act can be which does not go to the root of the evil by declaring all participators in the sale of human flesh and blood to be guilty of piracy. And it is for your Lordship to judge whether it is possible or expedient to persuade the Government of Spain to enact such a law.

In so strongly pressing this point, your Lordship may consider that I am speaking with somewhat of over confidence, for a person who has resided so short a time in this island. But the Slave Trade is not a new question to me. I did my best to study it, and I had good opportunities for doing so, when I was attached to the Legation at Washington. And here I have the advantage of consulting the recorded opinions of my predecessors, which, on this point, are precisely identical with those which I have formed for myself. And I may add that these views are shared by many of the most respectable and intelligent Cubans, and perhaps by some of the Spanish authorities themselves.

I have, &c.

(Signed) W. W. FOLLETT SYNGE.

No. 14.

Her Majesty's Judge to the Earl of Clarendon.—(Received July 30.)

My Lord,

Havana, July 1, 1866.

IN obedience to the Act 6 Geo. IV, cap. 113, directing such Returns to be made on the 1st of January and 1st of July in each year, I 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.

I have, &c.

(Signed) W. W. FOLLETT SYNGE.

No. 15.

Her Majesty's Judge to Lord Stanley.—(Received October 29.)

My Lord,

Havana, September 30, 1866.

I HAVE the honour to inclose the Annual Statement of Landings of African Negroes which have been effected in this island since the 30th of September last.

My predecessor, in his Report of last year, has given to General Dulce the credit which that Governor so well deserved for his exertions in putting down the Slave Trade in this island.

No sooner had General Lersundi arrived, than rumours were rife of landings of negroes in all parts of the island, and the details of some of these pretended landings were given to me with such apparent accuracy and exactitude that it was almost impossible not to place faith in them. But I found, on inquiring closely into the matter, that the evidence broke down in every single instance, and I am at present under the belief that no landing has taken place during the present Captain-General's administration. Of course, however, I may be mistaken, and landings may have been effected without my knowledge or that of the Captain-General; but this, though just possible, is barely so. Intelligence can hardly be kept back from the Consulate-General, and still less easily from the Supreme Government, and General Lersundi always communicates to me any information which he receives bearing upon this question. I have had the honour of reporting to your Lordship the General's repeated assurances of his determination to put the law in force to the uttermost, and to punish with the greatest severity any persons who may be found

attempting to carry on the Slave Trade in this Colony; and from General Lersundi's character, I cannot doubt the perfect sincerity and good faith of his intentions.

I think that, altogether, there is fair reason for supposing that the Cuban Slave Trade is virtually almost at an end. I do not, of course, mean to say that until Spain declares the Traffic to be piracy, and those engaged in it to be guilty of a capital offence, attempts and even successful attempts will not be made to introduce slaves into this island. On the contrary, in spite of the many dangers and obstacles now thrown in the way of the Traffic, there will always be men found ready to run heavy risks for heavy profits; and the very desperation of the game, so far from deterring some of the more daring slave-dealers, will only add to the zest with which they ply their horrible trade.

But not only do the Spanish Government and the present Captain-General appear honestly determined to carry out the laws, but the state of public feeling among the Cubans is very different from what it was a few years ago. The more enlightened among them earnestly deprecate the importation of more slaves into the island, and are turning their attention to that problem so difficult to be solved, viz., how slavery can be abolished so prudently, so safely, and so gradually, as to benefit the whites as well as the blacks; to strengthen instead of weakening the material prosperity of the country; and to elevate instead of depressing the moral tone of the community. In this respect the experience of neighbouring countries furnishes them with many a warning of evil to be avoided, but I fear with few examples to be followed.

With regard to the negroes captured in March last near Cape San Antonio, I regret to say that I have as yet been able to obtain no information in regard to their ultimate disposal, though within the last few days I have again addressed General Lersundi on the subject. I also begged the Captain-General to inform me what are the measures he proposes to adopt for the amelioration of the condition of the emancipados, as the African negroes captured by the Spanish authorities are called. Hitherto the condition of these poor people has been almost as bad, in some cases even worse, than that of the slaves themselves. Hired out nominally for a period of years, and ostensibly under the protection of the Government, they are carried off to the plantations, whence they seldom return, and are hardly ever known to regain the liberty to which they are legally entitled. General Lersundi told me that the abuses to which these poor creatures are subject had made a great impression on his mind, and had shocked him extremely. He said that he was determined to put a stop to these abuses; and I hope soon to be able to report to your Lordship that he has done so effectually.

I have, &c.

(Signed) W. W. FOLLETT SYNGE.

Inclosure in No. 15.

STATEMENT of the Number of Slaves reported to have been Landed in Cuba, from October 1, 1865, to September 30, 1866.

Date of Landing.	Where Landed or Captured.	Number of Slaves.		Remarks.
		Landed.	Captured.	
1865. Sept. 18	Pinar del Rio ..	143	143	This cargo was brought by a Spanish brigantine, and is supposed to have come from Ambrizette. It is possible that a larger number of negroes were brought, and that part of the expedition succeeded in evading the vigilance of the authorities.
October	Pan de Azucar ..	600	..	This cargo belonged to the late Don Fco. Marty, and was landed at his estate, Pan de Azucar. The landing is denied by the authorities, but the fact was publicly known at the time.
1866 April 5	Cape Antonio ..	700	275	The capture was made by the Spanish gunboat "Neptuno," together with another lot of 100, which were subsequently released as not being Bozals. This cargo belonged to the same owners as that which was seized at Pinar del Rio. The rest of the expedition was taken to Pan de Azucar, or distributed in the Vuelta de Abajo.
		1,443	418	

Havana, September 30, 1866.

(Signed)

W. W. FOLLETT SYNGE, *Commissary Judge.*

CAPE OF GOOD HOPE.

No. 16.

Her Majesty's Commissioners to the Earl of Clarendon.—(Received February 16.)

My Lord,

Cape Town, January 6, 1866.

WE have the honour to report to your Lordship that no case has been adjudicated by these Mixed Courts of Justice during the half-year ending December 31, 1865.

We have, &c.

(Signed)

GEO. FRERE.

E. L. LAYARD.

No. 17.

Her Majesty's Commissioners to the Earl of Clarendon.—(Received February 16.)

My Lord,

Cape Town, January 6, 1866.

IN pursuance of instructions given to us in the Earl of Aberdeen's despatch of the 20th of February, 1843, by which we are directed to transmit at the close of each year a detailed Report of the judicial proceedings of this Mixed Commission, we have the honour to report that no case has been adjudicated by the Court during the year ending December 31, 1865.

We have, &c.

(Signed)

GEO. FRERE.

E. L. LAYARD.

No. 18.

Her Majesty's Commissioners to the Earl of Clarendon.—(Received February 16.)

My Lord,

Cape Town, January 6, 1866.

IN compliance with instructions given to us to transmit to the Foreign Office a certified copy of the register of emancipated slaves, emancipated by sentence of this Mixed Commission, we have the honour to acquaint your Lordship that no vessel with slaves on board has been before us during the year ending December 31, 1865.

We have, &c.

(Signed)

GEO. FRERE.

E. L. LAYARD.

No. 19.

Her Majesty's Commissioners to the Earl of Clarendon.—(Received February 16.)

My Lord,

Cape Town, January 6, 1866.

WE have the honour to transmit to your Lordship a Report drawn up by the Mixed Commission of which we are members, in compliance with the provisions of Article XI, Annex B to the Treaty of July 3, 1842, between Great Britain and Portugal for the suppression of the Traffic in Slaves, relating, 1st, to the cases which have been brought before the Court for adjudication; 2nd, to the state of the liberated negroes;

3rd, to the treatment and progress made in the religious and mechanical education of the liberated negroes.

We have also the honour to inform your Lordship that our Portuguese colleagues are about to transmit a duplicate original of this Report to the Government of His Most Faithful Majesty.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

Inclosure in No. 19.

Annual Report of the Mixed British and Portuguese Commission.

IN pursuance of Article XI of Annex B to the Treaty concluded on the 3rd of July, 1842, between Great Britain and Portugal for the suppression of the Traffic in Slaves, by which it is stipulated that the Mixed Commissions shall transmit annually to each Government a Report relating, 1st, to the cases which have been brought before them for adjudication; 2nd, to the state of the liberated negroes; 3rd, to every information which they may be able to obtain respecting the treatment and the progress made in the religious and the mechanical education of the liberated negroes, the Undersigned, Members of the Mixed Commission established at the Cape of Good Hope, have the honour to announce to the Government of Her Britannic Majesty, and to the Government of His Most Faithful Majesty, that no case has been brought before them for adjudication during the year ending December 31, 1865, and that no negroes have been emancipated by Decree of this Mixed Commission since its establishment.

(Signed) GEO. FRERE. A. DUPRAT.
E. L. LAYARD. EDUARDO A. DE CARVALHO.
H. MALLET, Registrar.

*Mixed British and Portuguese Commission, Cape Town,
Cape of Good Hope, December 30, 1865.*

No. 20.

Her Majesty's Commissioners to the Earl of Clarendon.—(Received February 16.)

My Lord,

Cape Town, January 6, 1866.

WE have the honour to inform your Lordship that no slaves have been emancipated by sentence of this Mixed British and United States' Court of Justice during the year ending December 31, 1865.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

No. 21.

Her Majesty's Commissioner to Lord Stanley.—(Received November 24.)

My Lord,

Cape Town, October 1, 1866.

I HAVE the honour to lay before your Lordship my report upon the Slave Trade on the East Coast of Africa during the year ending on the 30th September.

As this station only extends to Delagoa Bay, I have not had an opportunity of seeing any of the officers employed in Her Majesty's cruisers in the Mozambique, who now report to the Admiral on the India Station, so that my information will be less particular than I could wish.

The attention of Her Majesty's ships seems to have been principally occupied with the trade to the Persian Gulf, only one of Her Majesty's ships having visited Mozambique.

I have heard, however, that numerous captures have been made of dhows on their way to the North by Her Majesty's ships "Lyra" and "Penguin;" and more recently that Her Majesty's ship "Pantaloons" had taken seven dhows during a cruise between Muscat and Aden. In six of these vessels Captain Purvis found upwards of 200 slaves, who were liberated. The seventh, which was detained on account of suspicious equipment, was released after investigation by the President at Aden, no positive proof of guilt being adduced against her.

In the Portuguese possessions some active measures have been taken by the authorities at Mozambique in opposition to the Slave Trade. One dhow, the "Toba," which

cleared from Ibo for Zanzibar, with millet and provisions, was seized by the Portuguese gun-boat "Vencedora," three days afterwards, off Olumboa, with more than 100 slaves on board, many of them stolen from their owners at Ibo. This vessel was condemned at Mozambique, and the slaves liberated, while the owner and crew, said to belong to Zanzibar, were given up for trial before the criminal Courts,

Two other dhows were burnt in the St. Antonio River, near Angoxa, by a force of soldiers and sailors under the command of Lieutenant Pedrozo, of His Most Faithful Majesty's ship "Barão de Lazarim," after a sharp action, which resulted in the slave-traders being driven away from their huts, with a slight loss of life on both sides. The Portuguese President at Cape Delgado states openly that, wherever there are Arabs on the coast, they carry on the Slave Trade, and a strong remonstrance has been addressed from Mozambique to the Sheikh of Zanceil on the mainland, pointing out the miserable condition to which the tribes in his neighbourhood have been reduced by the Slave Trade, and urging him to unite with his sons and other Chiefs in putting a stop to it.

Judging by the language used by the Portuguese authorities, it would seem impossible that they themselves should be guilty of connivance in the Slave Trade, and I am glad to say that no such accounts have reached me lately.

Judging from the accounts from Mozambique, and from the constant movement of dhows, under the Arab flag, between Zanzibar and ports on the coast of Mozambique and Madagascar, many entered at the Custom-houses as in ballast, I believe that there has been no diminution in the Slave Trade in the Mozambique channel during the year, and that many slaves are taken to swell the vast number carried by the Arabs to the north. This may now be said to be the only remaining branch of the Traffic, and it derives its support mainly from the unrestricted supply of slaves to Zanzibar, whither they are imported in numbers far beyond the requirements of the island, most of them from the Manganja tribe, and are bought up at from 7 to 20 dollars by Arabs and Persians, whose dhows are either on their way from the north, or southward, picking up slaves from the Portuguese possessions at Madagascar.

About April, as soon as the monsoon changes, when, also, the exportation of slaves coastwise is no longer prohibited, the dhows ship their cargoes,—some at Zanzibar itself, some at ports on the mainland, and go north.

If His Highness could be induced to limit the importation of slaves to the actual requirement of the islands, and to prohibit the carrying of slaves from port to port in his dominions during the south monsoon, when alone the run to the northward can be made with advantage, this branch of the Slave Trade might be finally stopped.

No vessels have been brought before the Vice-Admiralty Court of this Colony during the past year, as the Court is not within the limits of the station in which the vessels have been taken.

Eighteen vessels have touched at this port, with coolies for the West Indies, during the year. Of these eleven were under the French flag, two under the British flag, one under that of the Hanse Towns, one under the flag of Sweden, one under the Italian flag, and one under the Norwegian flag.

One of the French vessels shipped her cargo at Macao, and the two British vessels shipped cargoes at Calcutta, for Demerara. Of the others, fourteen took their coolies from Macao, and one from Canton, for the Havana.

I regret to state that it has again been publicly reported that the inhabitants of the Transvaal Free State continue to supply themselves with slaves from the native tribes beyond their border. The subject has been brought to the notice of President Prætorius by his Excellency the Governor of this Colony, as Her Majesty's High Commissioner for the native tribes.

I understand that the natives imported and sold are generally young persons, and that the evasion of the law against slavery and of the stipulations of the Treaty is justified by the apprenticeship of the persons in question; but I fear that there is little doubt that they are, to all intents and purposes slaves, and that the system by which they are procured can be called by no other name than Slave Trade.

His Excellency has wound up a long correspondence with the President by a strong remonstrance, to which he has received no reply, and has fully reported upon the subject to Her Majesty's Secretary of State for the Colonies.

I have, &c.

(Signed)

GEO. FRERE.

LOANDA.

No. 22.

Her Majesty's Commissioner to Earl Russell.—(Received February 8, 1866.)

My Lord,

Loanda, November 27, 1865.

WITH reference to my despatch of the 19th ultimo I have the honour to inform your Lordship that at a Session of the Mixed Commission held on the following day, on which occasion Senhor Luiz José Mendes Affonso, President of the Tribunal da Relação, acted as Portuguese Commissioner, and Senhor Antonio de Mello Varajão, the Secretary of the Government, filled the office of Portuguese Arbitrator, it was determined by the majority (I being dissentient) that the Portuguese brig "*Maria*," detained by Acting Commander H. Stair Sandys, of Her Majesty's ship "*Ranger*," was entitled to indemnification.

I had prepared a written statement of my objections, a copy of which I have the honour to inclose, and it was my impression that the Portuguese Commissioner had also undertaken to give his opinion in writing; he did not however do so, stating that he had already expressed his views in the previous Session, and that it was unnecessary for him to put them in writing. He admitted, however, that my recapitulation of his arguments was correct: it may be considered therefore as expressing substantially the grounds on which he arrived at the conclusion that the "*Maria*" was entitled to damages. The Portuguese Arbitrator also gave his opinion in writing, which he requested might be filed, and a translation of which I also inclose.

In the verbal discussion that ensued, I combatted to the best of my ability the arguments brought forward by my colleagues, but without effect; they bore almost exclusively on the fact that the inspectors had found on board none of the articles mentioned in the IXth Article of the Treaty, the presence of which they considered absolutely necessary to justify the detention of a vessel; the non-compliance by the captor with the requirements of the 3rd section of the IIInd Article was also advanced by them as a ground for giving damages. There can be no doubt that the "*Maria*" was detained in a most informal and irregular manner. Commander Sandys neglected to exhibit to the captain the document which authorized him to make the search; he neglected to deliver the certificate stating his rank and name of the ship he commanded; he neglected to deliver at the time of detention the authentic declaration required by Article III, Annex B; and he neglected to seize the papers on board the detained vessel: in fact, he failed to do every act that he was required by the Treaty to perform. Such negligence might justify the Portuguese Government, under the VIIIth Article of the Treaty, in demanding reparation, but was in my opinion no ground for giving compensation. It is right I should state that Commander Sandys could scarcely be considered as guilty of "wilful transgression;" his men had been employed on board the "*Maria*" for the purpose of saving her from shipwreck, and he proceeded to her examination and detention without compliance with the necessary formalities.

On the 24th October the Portuguese Commissioner presented a draft of the judgment that he proposed for adoption, which was supported by the Portuguese Arbitrator. I objected to the terms that were employed, the reasons that were advanced, and the strong language that was used with reference to the laches of the captor; but as the Portuguese Commissioner and Arbitrator both declared that they formed some of the grounds for which they considered damages should be awarded, I did not consider myself justified in resisting.

It was my wish that the judgment should be given in as few words as possible without any statement of the reasons, but I was referred to previous judgments of the Mixed Commission which specified the motives which influenced the Judges, and there is

no doubt that such is the usual mode in cases tried before Portuguese, French, and other Continental Tribunals. I determined, however, to take an opportunity, before the proceedings were terminated, of detailing the circumstances preceding the detention, to show how uncalled for were the expressions employed in the judgment and how little justified by the facts. My intention I carried out on the occasion when the amount to be awarded was under discussion, and the paper read by me will form an inclosure when I write on that subject.

Your Lordship will observe how distinctly the principle is laid down, that no circumstances, however suspicious their character, will justify the detention and condemnation of a vessel unless some of the articles mentioned in the IXth Article of the Treaty were found on board. If such a doctrine be accepted the examination of witnesses would be useless and unnecessary, the inspectors would be virtually the judges, and the Commissioners' duties would be simply to receive and register their report. It was with some satisfaction that I perceived that the opinions of the Portuguese Commissioner and Arbitrator were expressed in the judgment in such clear and precise terms, as it will simplify the question should your Lordship think fit to bring it before the Portuguese Government for their consideration. It would be most desirable that their Commissioners be instructed that a vessel may under certain circumstances be detained and condemned, although none of the articles mentioned in the IXth Article of the Treaty should be found on board.

To avoid complications I most respectfully and earnestly solicit your Lordship's interference to have this point finally settled, otherwise it may be attempted to be used as a precedent on future occasions.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure 1 in No. 22.

Arguments advanced by Her Majesty's Commissioner on the question of Indemnification in the case of the brig "Maria."

IN the discussion which took place between my excellent colleague and myself on the question of indemnification to the captain and owner of the brig "*Maria*," the Portuguese Commissioner dwelt on the circumstance that the inspectors had found on board none of the articles mentioned in Article IX of the Treaty of the 3rd July, 1842; and he maintained that unless they existed on board no officer could be justified in detaining a vessel, nor could the Mixed Commission condemn her. The question of guilt or innocence depended, in his opinion, on their presence or absence; he considered, if I did not misunderstand him, that the presence on board of those articles was essential to enable a vessel to be detained and condemned. Holding, therefore, these views, he arrived at the conclusion that the "*Maria*" had been improperly detained, and that the owner was entitled to compensation for damages.

I then maintained, as I do now, that the Portuguese Commissioner had arrived at that conclusion from a wrong and erroneous interpretation of the Treaty, both in the letter and the spirit. Entertaining, as we do, opinions so irreconcilable, it is not surprising that we should have arrived at different conclusions; but I am not without hopes that on reconsideration, after consulting the words of the Treaty, he will have discovered that the position he took up is untenable.

Article II of the Treaty says: "The two High Contracting Parties mutually consent that those ships of their Royal Navies respectively which shall be provided with special instructions, as hereinafter mentioned, may visit and search such vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in transporting negroes for the purpose of consigning them to slavery, or of having been fitted out for that purpose, or of having been so employed during the voyage in which they are met by the said cruisers; and the said High Contracting Parties also consent that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon."

I will now proceed to examine whether there were reasonable grounds of suspicion to justify the Commander of Her Britannic Majesty's ship "*Ranger*" in detaining the brig "*Maria*" and sending her for trial before the Mixed Commission, and I will, in so doing, limit myself to an examination of those points which were within his cognizance at the time when he visited and detained her.

He found that a vessel that had cleared from San Thomé for the port of Loanda had deviated so far from her course as to visit a most suspicious point, Porto da Lenha, instead of proceeding direct to her destination, and that without any cause that obliged her to do so, the allegation in her log-book, repeated by the captain in his evidence, that want of ballast compelled him to deviate, having been negatived by two naval officers. He found that that vessel, whose destination after leaving Porto da Lenha was Loanda, instead of following the south bank of the river, which was his proper route, where the water was deep and which was free from danger, had followed the north bank, where the water is shallow and where considerable danger notoriously exists. He found that same vessel, whose destination it must be borne in mind was Loanda, stranded and without a rudder on a sandbank off Vista, a most notorious place for shipping slaves, twelve or fifteen miles north of the river. He saved her from her perilous position, towed her back to Banana, and there caused her to be examined, when casks and tanks were found on board capable of containing more than 2,000 gallons of water. It was not within the knowledge of the captor that the pilot had improperly taken the vessel along the north shore, and that calms and contrary winds, combined with the strong current of the river, had forced the vessel into a position in which she would not have been placed had she followed the usual and proper route. It was not within his knowledge that the vessel had brought a number of passengers from Brazil, and that a large quantity of water was necessary for their consumption. He had every reason for supposing that the vessel had purposely and intentionally gone to a place where she had no right to be, with the object of embarking a cargo of slaves.

Taking the above circumstances into consideration, I am at a loss to understand how it can be held that the detention of the "*Maria*" was "arbitrary and illegal." It is not on that ground alone, according to the IVth Article of the Treaty, that compensation for damages can be awarded. I am, on the contrary, of opinion that the detention was not arbitrary and illegal, but was warranted by the facts, and therefore consider that the captain and owner is not entitled to any compensation for damages or other indemnification.

Inclosure 2 in No. 22.

Opinion of the Portuguese Arbitrator in the case of the brig "Maria."

(Translation.)

ACCORDING to the terms of Article IV of Annex B of the Treaty of the 3rd July, 1842, taken in conjunction with those of Article X, No. 3, of the same Treaty, I have been called as Portuguese Arbitrator, chosen by lot, to confer with the two members of the Mixed Commission residing in this capital, on the question of compensation for losses and damages to the brig "*Maria*," taken by the Captain of Her Britannic Majesty's ship "*Ranger*."

I have examined in detail and carefully the autos of the capture of the said brig, and fulfilling the duties of an impartial and conscientious Judge, as is my duty, I give my founded opinion on the point on which I was called to confer.

By the reading and examination of all the several documents, which I did strictly, after comparing them with the prescribed terms of the Treaty of the 3rd July, 1842, I have seen (and let it be remarked here as it were incidentally) that the captor did not fulfil, as he should have, at the commencement of the visit or search on board the ship suspected by him, the indispensable and essential duties prescribed by law in such cases, and which the Treaty specifically and expressly lays down as the base and first principle absolutely necessary to justify the search or visit which the law allows to take place on board those ships reasonably suspected of being about to engage in the Slave Trade.

This neglect, error, or omission, according to law, and, in my opinion, most essential, and for which the captor cannot excuse himself, as clearly and manifestly appears by the autos of the capture, together with the reasons or grounds which the said captor advances to legalize the detention of the brig "*Maria*," caused, no doubt, as I conceive, the members of the Mixed Commission to decide on the release of the detained vessel "for want of proof."

And, indeed, by the report of the survey held on board the said ship by one officer of the Portuguese and one of the British Royal Navy, it is clearly proved that the articles of suspicion relied on by the captor as being sufficient for detaining the vessel were not so in reality or in law, and therefore the capture or detention was unjust and undeserved.

The Report made by the enlightened surveying officers is so conscientious and above suspicion,—nor could it be otherwise, because it was founded on such clear and convincing arguments,—that it influenced the impartial members of the Mixed Commission to release the vessel, I again repeat, "for want of proof."

The vessel having been acquitted on such expressive conditions of want of proofs to justify the detention, the question arose as to whether or not the captor should pay any compensation for losses and damages, and it is precisely on this point that I am about to enter, having taken into consideration the above facts which I have written.

The highly moral and charitable principle of suppressing the wicked and ruinous Trade in Slaves is evident throughout the philosophic and humane terms of the Treaty of the 3rd July, 1842; always, however, keeping in view that those charged with this noble and philanthropic crusade should not prejudice, embarrass, or place impediments on licit commerce.

And the Treaty very wisely and cautiously considered this important and momentous point when it reserved the right of indemnification for losses and damages in the case of arbitrary and illegal detention; and also in Article IX, when it describes all the indications by which a vessel may be suspected of engaging, or wishing to engage, in the illicit and criminal Traffic in Slaves.

Otherwise it would give a very broad margin for sad and injurious results.

Let us now consider whether the detention of the brig "*Maria*" will come within the salutary terms of Article IV of the Treaty as regards the indemnity from the captor.

The captor (setting aside the irregularity which he committed firstly in visiting or searching the suspected vessel) ought not to have detained her, nor indeed in the face of the legal documents relating to the tanks which were placed on the manifest at the Island of St. Thomé, and notwithstanding the legality of the provisions and cargo, which he (the captor) thought more than necessary for the ordinary requirements of the vessel, could he detain the ship for the purpose of bringing her to this city as a prize.

And it is worthy of note that this doubt or uncertainty influenced to a certain extent the captor's judgment, as may be perceived from some of the autos.

The pots or coppers found on board the detained vessel, which made so strong an impression on the captor, as well as the vague proofs of a slave-deck, which was not discovered by the captor because it was not in existence, did not justify him even morally to detain that vessel, as they did not another of Her Britannic Majesty's ships ("*Speedwell*"), which had met with and visited her.

How, then, can the captor's proceedings be justified? By the deviation of the ship's course? No; because the Treaty does not mention as a reason for suspecting or detaining a vessel any unusual deviation from its course, for that would not harmonize with the prudent and strict care which it aims at to prevent injury to lawful commerce.

Furthermore, the cruisers of His Most Faithful Majesty in their instructions are strictly enjoined not to consider as suspected such vessels which only show irregularities in their course, because every one knows to what unforeseen and unsuspected vicissitudes navigation is subject.

The captor did not consider the circumstance as of importance, because he speaks of it only, as it were, incidentally, as is seen by the autos.

In fine, is it proved by the documents presented by the captor that he was led into error by the master of the brig "*Maria*"? It is not, as is seen by the Report of the surveying officers on the articles of suspicion, which the captor supposed sufficient for detaining the vessel in question, and in the total absence of any other proofs.

In view of what I have shown, and of the reasons which I have alleged, I am of opinion, and I vote that the captor do pay the indemnity which may in reason be demanded by the claimant; and I beg that this

CLASS A.

my written opinion may be filed in the proceedings in order that my reasons for so voting may at all times be known.

Loanda, October 24, 1865.

(Signed) ANTONIO DE MELLO VARAJAO.

Inclosure 3 in No. 22.

Judgment of the Mixed Commission in the case of the brig "Maria."

(Translation.)

THE Members of the Mixed Portuguese and British Commission established in this city according to the Treaty of the 3rd July, 1842, celebrated between Portugal and Great Britain for the complete extinction of the barbarous Traffic in Slaves across the high seas, agree—

That the Portuguese merchant brig "Maria" met with in the waters at the mouth of the Congo, in latitude 5° 10' south, and longitude 12° 10' east on the 3rd September last, having been visited, detained, and brought before this Court by the "Ranger," belonging to the squadron of Her Britannic Majesty on this coast, for being suspected of engaging in the illegal and barbarous Traffic in slaves across the high seas; and the papers of the ship having been examined and the sworn declarations of the captor well considered, and especially the solemn depositions on oath of the two surveyors from folio 65 to 70, surveyors named and chosen by this Court to inspect the detained vessel, one an officer of the Portuguese, the other an officer of the British navy; and after a very careful survey made by them in this port of Loanda on board the said "Maria," declarations in which they depose so positively that there were no proofs that the vessel was destined for the Slave Trade; and in the condition required by the IXth Article of the Treaty referred to, the written allegations on behalf of the captor and claimant having besides been seen and examined, and the irregularities, so observed and remarkable, of the captor in visiting, searching, and detaining the vessel, and the manifest infraction of the specific terms of section 3 of the Article 2, and section 3 of Annex A of the Treaty referred to, neglecting to fulfil the previous formalities and conditions which the said Article impose on him in the act of visit, "to hand to the master the document which authorises the captor to search, and the certificate with all the declarations therein determined on," appearing thereby to show a want of etiquette towards the nation to which the detained vessel belonged; they adjudge that the accusations have not been proved, that the Portuguese merchant brig "Maria" was destined for the nefarious Traffic in Slaves beyond the high seas, in contravention of the above-mentioned Treaty.

Therefore, judging that the detention and capture was irregular and improper, they declare her a bad prize and release her, and therefore order that the persons be discharged, and that the said brig be given up, which together with the cargo, in the state in which they may be found, shall be immediately handed over to the master.

And having besides in view that the enumeration of the Articles in Article IX of the Treaty cannot in any way be considered as exemplificative but only taxative, as is well seen by the words of No. 10 of the same Article at the end, "any one or more of these several things, if proved," &c., since, if on the contrary, it were remaining at the discretion of the officers to engraft on the list of indications of Slave Trade everything which might appear to them could be used for that end, there would be no merchant-ships employed in legal commerce on this coast which could not be captured and condemned on suspicion of being about to engage in the very wicked Traffic in Slaves, sacrificing in this manner the end to the means, because all licit trade in this way would cease, which the said Treaty so much wishes to protect and defend.

Considering, therefore, that no other circumstances or proofs besides those enumerated in the Treaty in the said Article IX, of how suspicious soever a character they may be to the captain of the cruizer, and even found in great number, never can nor should justify the detention and capture of a ship, since it is an axiom that thousands of naughts can never make an unit, therefore the variation of the route of the detained vessel, so remarked on by the captor, to the River Congo never could be considered a proof that she was destined for the Slave Trade, seeing that it is not so mentioned in the Treaty referred to.

Considering further, apart from all this, the manifest infraction of the 3rd section of the IIInd Article of the Treaty by the captor, and the terms of the VIIIth Article of the same Treaty :—

"If the commanding officer of any of the ships of the Royal navies of Great Britain and Portugal respectively, duly commissioned according to the provisions of Article II of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself wronged thereby shall be entitled to demand reparation, and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed."

Considering also the terms of the VIIth Article of Annex B of the same Treaty, they adjudge on all these grounds that the captor was not led into error by the claimant: therefore, and in conformity with Article V of the Annex B, they condemn the captain of the detaining vessel, and in his absence the British Government, to pay to the master or owner all the charges, costs of suit, expenses, and losses occasioned by the detention and bringing to judgment of the Portuguese brig "Maria."

Hall of Sessions of the Portuguese and British Mixed Commission at Loanda, October 24, 1865.

(Signed)

LUIZ JOSE MENDES AFFONSO, *His Most Faithful Majesty's*
Commissioner.

W. VREDENBURG (Dissenting as regards indemnification).

ANTONIO DE MELLO VARAJAO, *Portuguese Arbitrator.*

No. 23.

Her Majesty's Commissioner to Earl Russell.—(Received February 8, 1866.)

(Extract.)

Loanda, December 1, 1865.

WITH reference to my despatch of the 27th ultimo, I have the honour to inform your Lordship that at a session of the Mixed Commission held on the 9th of November, the proctor of the owner and captain of the brig "*Maria*" presented to the Court a detailed account specifying the various grounds on which he claimed compensation for damages. I have the honour to inclose a translation of the account presented, to which I have added a column in which I have placed the award on each claim.

The Court met again on the 20th November for the purpose of taking into consideration the claims, and I have the honour to inclose a copy of a paper which I read conveying my views and opinions, and my reasons for considering that some of the claims should be disallowed altogether, and others modified and reduced in amount. I pointed out the great difference existing in the registered tonnage of British and Portuguese vessels, caused probably by both nations having altered their system of measurement since the Treaty was signed, the effect of which was to place the British Government in a very unfavourable position. The Portuguese Commissioner adopted my suggestion, and the mean between the two was taken as the basis for our calculation; the result was to reduce the demurrage from 10*l.* a-day to 8*l.*: on the other hand, my colleague stated with some reason that the "*Maria*" might have occupied the time during which she was detained in making the repairs she needed. I withdrew, therefore, my proposal that a further deduction should be made for the time that would be necessary to repair her; we finally agreed that the demurrage should commence on the 13th September, the day when the brig arrived at this port, and terminate on the 17th October, the day on which she was declared a bad prize, being a period of thirty-three days.

The second claim for wages and maintenance of the crew during the period of detention was disallowed, as was the third for freights to be earned during an imaginary voyage to Benguella and Mossamedes. The amount of 65\$520 reis for a rudder was allowed, the captain having caused a new one to be constructed at this port. The proctor's fees and the costs amounting to 47\$959 reis were also allowed. The sixth and last claim for 2 contos of reis for prejudice caused to the captain and owner, as a trader, was disallowed. The claims sent in amounted to 5,854\$610 reis (1,301*l.* 0*s.* 6*d.*), and the amount awarded was 1,725\$479 reis (383*l.* 8*s.* 10*d.*), being 917*l.* 11*s.* 8*d.* less than the sum demanded.

I took advantage of the occasion to read to the Court a paper (translation inclosed) detailing the circumstances preceding and attending the detention of the "*Maria*." I wished in the first place to express my sentiments at the presentation, on behalf of the owner, of such extortionate claims against those who had saved him from utter ruin, and the small amount awarded to him enabled me to do so with effect. I also desired, by a public statement of the facts, to show how uncalled for and inapplicable to the case were the strong condemnatory expressions made use of in the judgment. My written observations were filed, and were ordered to be published in the "*Boletim Official*" with the award.

It is my intention to commence immediately the preparation of my Report on the whole case, and I hope to be enabled to forward it to your Lordship by the first opportunity

Inclosure 1 in No. 23.

Account for Compensation to brig "Maria."

(Translation.)

ACCOUNT of expenses, losses, and damages done to José Alves Fernandez Aguas, captain and owner of the Portuguese brig "*Maria*" taken by the steam-cruizer of Her Britannic Majesty "*Ranger*," Commander Henry Stair Sandys, and declared a bad prize by Judgment of the Portuguese and British Court of Mixed Commission, the 24th October, 1865, with right to indemnification which should be paid by the British Government, according to the stipulations in Article VII of Annex B of the Treaty of 3rd July, 1842, between Portugal and Great Britain for the extinction of the inhuman Slave Trade.

	Claim.	Award.
Detention, September 3, 1865; judgment, October 24, 1865. Capacity of the vessel seen in the Royal passport, 182 tons.		
1. Demurrage (according to Table, Annex B) for 41 days, that the vessel was detained, at 10% sterling per diem, equal to 4\$500	1,845 8000	1,188 8000
2. Wages and maintenance of the crew, according to Account No. 1	472 131	Disallowed
3. Freight to be earned ("a vencer") in a voyage that the vessel intended to make to Benguella and Mossamedes, and which she could not accomplish in proper time, in consequence of her detention	1,000 000	Disallowed
4. Expense for making a rudder at the Port of Banana, River Congo (Account No. 2)	65 520	65 520
5. Paid to the Advocate for his fee and costs of suit	471 959	471 959
6. Prejudice caused to the captain and owner in his commercial business, for which he protested. (Protest in Appendix No. 2.)	2,000 000	Disallowed
Reis fortes	5,854 8610	1,725 8479
Reis in Portuguese currency, five contos, eight hundred and fifty-four mil, six hundred and ten reis; or, 1,301% sterling, at 4\$500	5,854 8500	
And halfpence (6d.)	110	
	5,854 8610	
Amount awarded, one conto, seven hundred and twenty-five mil, four hundred and seventy-nine reis, equal to 383 <i>l.</i> 8 <i>s.</i> 10 <i>d.</i> , at 4\$500 .. ..	..	1,725 8479

N.B.—The wages of the crew, as they came from Rio de Janeiro, are in the currency of that Empire, which at the exchange of 100 per cent. amount in Portuguese currency to the sum appearing in Account No. 1.

As the Advocate,
(Signed) GERMANO PEREIRA DO VALLE.

Inclosure 2 in No. 23.

Arguments presented on the question of Indemnification.

I WISH to submit certain preliminary observations to explain the principles which will be my guide in discussing the question of damages in the case of the brig "*Maria*."

The brig is stated to be of 182 tons burthen: the Treaty does not specify whether English or Portuguese measurement is to be adopted; nevertheless there is a material difference between them, the proportion being 54 to 70—an English vessel of the size of the "*Maria*" would measure only 140½ tons English measurement. It would be manifestly unjust if the demurrage awarded to an English ship of the same capacity as the "*Maria*," under similar circumstance, were calculated on the smaller scale. I do not propose that the "*Maria's*" tonnage by English measurement should be adopted, but the most fair and reasonable plan, it appears to me, would be to take the mean between the two, or 161 tons.

The question of the chances or probabilities of the "*Maria's*" earning freight or pursuing any profitable voyage when she was captured must not be overlooked. She was on a lee shore without a rudder, and in the same position which she occupied two days before, when in a perfectly seaworthy state; she would then infallibly have been totally lost without the assistance of Her Britannic Majesty's ships "*Speedwell*" and "*Ranger*." Since her chance of escape was infinitesimal, it is on that basis, I conceive, that the remuneration must be calculated.

Proceeding, therefore, to an examination of the cases when, according to Article VII, Annex B of the Treaty, the claimant is entitled to indemnification, I find that—

(a.) The "*Maria*" suffered no special damage by her detention; on the contrary, she had a special advantage, for she was on a lee shore without a rudder, and she was towed to the port of her destination; she may be entitled to the expenses caused by her detention, but she has suffered no loss of freight due or payable.

(b.) She is entitled to demurrage, if any is due—a question that I will enter into presently.

(c.) There is no pretence that there was any deterioration of cargo; and—

(d.) No premium of insurance has been paid for additional risks.

It will thus be seen that I have only to consider the special expenses occasioned to the ship by her detention, and the question of demurrage.

I have, for convenient reference, numbered the separate items in the account sent in by the captain of the "*Maria*."

The first claim is for demurrage for forty-one days, at 10% a-day = 1,845 milreis. The question for my consideration is the period when the demurrage should commence. There was certainly no detention before the vessel arrived at this port, for she was without a rudder, was incapable of navigating, and was, as I have stated, towed to the port of her destination by a steamer. She consequently arrived long before she could have done so without that assistance. She also remained some days at Banana, at the request and for the convenience of the

captain, who was waiting for his rudder; she would also have needed to repair the damage that she sustained when on a sandbank with a heavy calema running: a reasonable time must, therefore, also be deducted, for that reason, from the forty-one days claimed, and the amount calculated as for a ship of 161 tons burthen, *i.e.*, 8*l.* a-day, if my suggestion on that point is adopted.

No. 2 is a claim for wages and rations for the crew and two passengers.

It is, in my opinion, very questionable whether the amount awarded for demurrage does not embrace and cover the wages and food of the crew; under any circumstances, the time must be guided by the decision on the question of demurrage, and it is necessary that the captain should produce his agreement to satisfy the Court that the amounts stated are correct.

No. 3. The claim of one conto of reis for freight "a vencer" on a supposed voyage to be subsequently made to Benguela and Mossamedes appears to me to be quite untenable. It is because she was prevented making that voyage that demurrage is awarded, and can it be supposed that she could arrive at this port, make the necessary repairs, and earn a conto of reis during the short time she was detained? Besides (and this I think conclusive), we have no power to award damages for future freight: the freights "a vencer" are those that she would earn on the voyage on which she was engaged; the English words in the Treaty are "due and payable," and by no possible interpretation can they be understood as meaning freights to be earned hereafter.

No. 4 is a claim for 65\$520 for a new rudder that the captain of the brig ordered to be made at Porto da Lenha; it simply amounts to this, that he lost his rudder when he went on shore, and he wishes the British Government to give him a new one.

No. 5 is for the sum of 471\$959 paid by the captain to his advocate, being 450 milreis for his fee, and the balance for other expenses. As it is probably the first time that an advocate has charged his client for the services of his clerk, the amount charged for making a fair copy of his speech must, I think, be deducted.

No. 6 is a claim for two contos of reis for mouies which the captain and owner would, he says, have gained in his character of merchant. The Mixed Commission has no judicial knowledge of the captain in that capacity. The Treaty awards indemnification to the owner or owners, but not to merchants, whether they be the owners or strangers. Any merchant or trader in the city who proposed or intended to ship goods in the "*Maria*" could, with equal right and justice, put in a claim for remuneration. The Court has neither power nor authority under the Treaty to entertain or consider this claim.

Inclosure 3 in No. 23.

Paper read before the Court of Mixed Commission.

(Translation.)

I CANNOT allow these proceedings to close without informing the Court of certain circumstances and details of which it possesses at present but an imperfect knowledge. The "*Maria*" being stranded on a sandbank on a dangerous coast, with a heavy calema running, the captain made signals of distress, and the commander of Her Majesty's ship "Speedwell," sent an officer and boat's crew to his assistance. They remained on board from the 1st to the 4th of September. Captain Agoas, who is also owner, considered his ship lost, and the officer of the "Speedwell," at his request, took command of her. The crew threatened to leave the brig, and were by him persuaded to remain. After three days' continuous exertion and labour, they succeeded, with the assistance of another boat from the "Speedwell," in getting the "*Maria*" off the bank, when Her Majesty's ship "Ranger" fortunately appeared, and by taking her in tow, removed her from her still perilous and precarious position. Two of Her Majesty's ship thus saved the captain and owner, whose ship was not insured, from ruin, and it is against Her Majesty's Government that that man, overlooking all sentiments of honour and gratitude, has preferred these unheard-of and exorbitant claims, by which he wishes to show that had he not been detained, he would have gained five contos of reis in forty-one days, although he was without a rudder and in a damaged and unseaworthy condition, and he moreover, forsooth, takes credit, through his advocate, for moderation.

I wish it to be understood that I should have considered perfectly legitimate and fair any reasonable claim that the captain might have preferred for repayment of the expenses to which he had been put, but such claims as that of two contos for money which by some possibility he says he might have gained as a merchant if his ship had not been detained, are monstrous; it is most certain that he would have been utterly and irretrievably ruined had he and his vessel not been saved by the ships of the nation against which he has preferred these shameless and exorbitant demands.

I think such iniquitous extortion and vile ingratitude will meet with the reprobation of the captains of merchant-vessels of all nations. It is not the first time that individuals have endeavoured to make a profit out of their benefactors, but if commanders of ships of war are subject to such treatment, they may be disposed to show less alacrity in rendering assistance to vessels that may unfortunately be placed in the position from which the "*Maria*" was rescued.

No. 24.

The Earl of Clarendon to Her Majesty's Commissioner.

Sir,

Foreign Office, February 13, 1866.

I TRANSMIT to you, for your information, a copy of a despatch from Her Majesty's Minister at Lisbon,* reporting the appointment by the Portuguese Government of Senhor Joaquim Guedes de Carvalho e Menezes to the post of Portuguese Judge in the Mixed Commission Court at Loanda.

I am, &c.

(Signed) CLARENDON.

Her Majesty's Commissioner to Earl Russell.—(Received February 19, 1866.)

My Lord,

Loanda, December 18, 1865.

I HAVE the honour to transmit a Report on the case of the Portuguese brig "*Maria*," detained by Her Majesty's ship "*Ranger*," on suspicion of being engaged in the Slave Trade, and tried before the British and Portuguese Mixed Commission established in this city.

I have great satisfaction in being able to state that from inquiries that I have privately made, I feel certain that this is not a case in which a vessel engaged in the Slave Trade has escaped condemnation though defective or insufficient evidence.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 25.

Report on the case of the Portuguese brig "Maria," detained by Acting Commander Henry Stair Sandys, of Her Majesty's ship "Ranger," on suspicion of being engaged in the Slave Trade.

THE Portuguese brig "*Maria*," Agoas, master, was detained by Her Majesty's ship "*Ranger*," on the grounds specified in the declaration of Acting Commander Henry Stair Sandys, which is as follows:—

"I, the undersigned Henry Stair Sandys, holding the rank of Commander (Acting) in Her Britannic Majesty's navy, and commanding Her Majesty's ship '*Ranger*,' duly authorized by the Treaty between Great Britain and Portugal, dated 3rd July, 1842, for the suppression of the Slave Trade, do hereby declare that on the 3rd day of September, 1865, being in latitude 5° 20' south, and longitude 12° 10' east, I detained the Portuguese brig '*Maria*,' whereof José Alves Fernandez Agoas is master, for having violated the said Treaty; and I further declare that the said vessel had on board at the time of detention a crew of eleven persons and no slaves.

"And I do declare that I found the vessel in the following state:—

"Ill-found and without a rudder.

"She had on board casks and tanks capable of holding 14 tons 5 cwt.

"Two large bags of black beans.

"One large bag of rice.

"A number of cocoa nuts in the hold.

"A galley of unusual size, and capable, with proper boilers, of cooking for a large number of men.

"Three large boilers containing altogether 12½ gallons, the largest of which of 6½ gallons was found concealed in the hold.

"There are evidences of a former slave-deck. I would call attention to the fact that the '*Maria*' was bound for Loanda, but that the master changed her course, and proceeded into the River Congo.

"The proceedings of the '*Maria*' on coming down the River Congo are not free from suspicion, for it was either with the intention of anchoring at Vista, or of avoiding Her Majesty's ship '*Speedwell*,' that the vessel was kept on the north side of the Congo, and eventually got into a position of great danger.

"I should add that from reliable information I believe there are slaves ready for shipment both at Vista and Moanda.

"Given under my hand this 3rd day of September, 1865.

(Signed) "H. STAIR SANDYS, *Commander (Acting).*"

The papers belonging to the vessel were brought into Court by the Proctor of the claimant, and consisted of the following:—

The ship's passport (passaporte Real); the crew list; the Custom-house clearance from St. Thomas (S. Thomé); the ship's manifest from St. Thomas: a manifest from Porto da Lenha.

Made out and signed by the Master—A "guia" from Porto da Lenha for 2 free blacks as passengers.

The manifest from St. Thomas stated that the cargo consisted of—50 cases of soap; 12 tins of sugar.

Water and Provisions.—2 tanks with 7 pipes of potable water ("agoa"); 14 pipes with "agoada" (the word "agoada" it was explained meant water of any description, and even the vessels that contain it); 14 cases of meat; 2 barrels of meat; 15 arrobas of fish; 6 barrels of biscuits, and other small articles of provisions.

The cargo from Porto da Lenha consisted, according to the manifest, of 43,500 stieks of firewood; 22 pieces of timber and yards; 1 boat; 2,000 bamboo poles ("bordoes"); 300 arrobas of beans; 5 pipes of oil; 2 barrels of oil.

It will be observed by the translation of the proceedings and evidence that accompanies this Report, that the ship's papers were not produced by the captor, but were presented by the Proctor of the claimant. Acting Commander Sandys, in a written communication addressed by him to the Court, alleges as a reason for not having taken possession of them, that he was not aware that he was authorized to do so as long as the Portuguese flag was flying on board the "*Maria*"; he also stated that feelings of courtesy towards the captain of the brig and the Portuguese nation influenced him and prevented his insisting on their delivery. It will also be observed that the captor complied with none of the formalities required by the 11th Article of the Treaty. The whole of the proceedings attending the detention of the brig were most irregular and informal.

The brig "*Maria*" has been for some years a regular trader between Rio de Janeiro and the Portuguese possessions on this coast. The present captain had for the last three years navigated the brig in that capacity, being at the same time part owner; but before leaving Brazil on this present voyage, he purchased the other shares and thus became sole owner and master. He brought from Rio de Janeiro an assorted cargo, and sixteen or seventeen passengers, some of whom disembarked at Mossamedes (Little Fish Bay); the others came to this city. After discharging his cargo and passengers here, he proceeded to the Island of St. Thomas, conveying to that place a small cargo composed of soap, dried fish, and live stock, and seventeen passengers, who with the crew of fifteen formed a total of thirty-two persons on board.

On leaving St. Thomas, from which place the vessel cleared for Loanda, the cargo consisted only of fifty

cases of soap and twelve tins of sugar, and there were on board two tanks containing seven pipes of water and fourteen casks of water ("agoada"). Five or six of the casks were filled fresh water, the others with salt water, and the whole stowed in the hold to serve as ballast. Various entries were made in the log-book during the voyage, stating that the ship was unable to make proper way for want of ballast, and on a certain day there was a note by the captain to the effect that as he was unable to navigate the ship properly for want of ballast he had determined to run to the Congo to obtain some, and to see whether in trading he could pay the expenses of the voyage. That intention he carried out; he shaped his course for the Congo, and arrived at Porto da Lenha about the 20th August (I regret that in consequence of the log-book and other papers having been returned to the master on the release of the vessel, I am unable to be more precise as to dates). On the vessel's arrival at Porto da Lenha in the Congo, having no further need of the salt water as ballast, the whole of the casks were emptied, and five or six of them refilled with fresh water; the water in the tanks appears to have been brought from Brazil, and was declared by one of the witnesses to be unfit for use. When the "*Maria*" left Porto da Lenha on the morning of the 31st August, bound to Loanda, she had on board a cargo consisting of a large quantity of firewood, 22 pieces of large timber, 2,000 bamboo poles, 300 arrobas (9,600 lbs.) of beans, and 5 barrels of palm oil; the whole of the cargo was composed of the ordinary articles with which Loanda is largely supplied from Porto da Lenha. The word "lenha" signifies firewood. The bamboo sticks are universally used as rafters for houses, and the beans are the common article of food of the population, both white and black: there was nothing consequently of an unusual or suspicious character about the cargo, neither was the quantity of water in great excess, consisting as it did of the contents of five pipes and two tanks, the latter unfit for use, nine of the casks on board being empty.

On leaving Porto da Lenha the "*Maria*" instead of following the south bank of the river, navigated along the north shore. The reasons assigned for that proceeding are various. The captain stated that he was unacquainted with the river, never having been there before, and that the pilot, who wished to land at Banana, took him to that place. The mate and crew said that light and contrary winds and strong currents took them in that direction. The captain's account is probably the correct one; but on arriving in the afternoon of the 31st August at the mouth of the river, the "*Maria*" was sighted by Her Majesty's ship "*Speedwell*," a gun was fired to bring her to, and she was visited by an officer of that ship, who made an entry in the log-book to the effect that he considered her a legal trader. Having arrived in the position in which she was found by the "*Speedwell*," it is not surprising, but was almost inevitable that with a light southwesterly wind, strong rollers ("calema") prevailing, and the force of the current of the Congo, she should be driven towards the shore. Finding himself unable to get away from the coast, the captain anchored on the night of the 31st August off Moanda, a place about midway between Banana and Vista; his anchor parted, and he drifted towards Vista, and there struck on a bank; on the following morning he made signals of distress, and the Commander of Her Majesty's ship "*Speedwell*," who had remained near him during the night, sent a boat commanded by an officer to his assistance. They remained on board until Her Majesty's ship "*Ranger*" appeared in sight on the morning of the 2nd September. A gun was fired to attract attention, and the ensign hoisted half-mast, and the "*Ranger*" approached and sent two boats to the assistance of the "*Maria*," and on the 3rd September they, with the help of the boat's crew from the "*Speedwell*," succeeded in getting her afloat with the loss of her rudder, and she was taken in tow by the "*Ranger*," and conveyed to Banana.

The Court never succeeded in ascertaining satisfactorily the time when the detention of the "*Maria*" took place. Acting Commander Sandys in his declaration stated that he had detained her on the 3rd of September; on that day the brig was still in a very dangerous position, and it does not appear probable that she was searched and detained under the circumstances in which she was placed. The captain of the "*Maria*" in his evidence, declared that his vessel was detained on the 10th September, and on that day he presented his written protest. The 10th September was the day on which she was a second time taken in tow by the "*Ranger*" for the purpose of bringing her to this port. There is, besides, an entry in the log-book written by the captain at Banana under date of the 5th September, which states that on that day he was subjected by an officer to a rigorous search, and informed that he was detained. Two or three of the witnesses also declared that the detention took place on the 5th of September. The declaration made in the log-book by the visiting and detaining officer, Lieutenant Bosanquet, throws no light on the subject, as it contains no date beyond the hour of the day, 8.15. The entry made by the captain in his log-book indicates, I think, the day and place of detention, viz., the 5th September at Banana, the morning after the arrival of the two vessels at that place.

The foregoing are the circumstances attending and preceding the detention of the "*Maria*." The grounds alleged by Acting Commander Sandy to justify her detention are as follows:—

1st. She was ill-found and without a rudder.

2nd. She had on board casks and tanks capable of holding 14 tons of water.

The above statement is not strictly correct, as eleven casks only were found on board, three having been destroyed for the purpose of lightening the vessel with more rapidity when she struck. The evidence showed that the "*Maria*" had brought a great number of passengers from Brazil, and had conveyed an equal number to St. Thomas. The number of casks can scarcely be considered more than prudence required on a voyage of uncertain duration from Brazil against the trade winds with seventeen passengers on board. They were, besides, legally cleared by the Custom-house authorities at St. Thomas, and duly entered in the manifest.

3rd. Calavances to the amount of 4 tons 5 cwt.

The above is not by any means an extraordinary quantity of beans to be brought from Porto da Lenha to this city, the consumption here being very great.

4th. Two large bags of black beans and one bag of rice.

The foregoing remark is applicable to these items.

5th. A galley of unusual size, and capable with proper boilers of cooking for a large number of men.

6th. Three large boilers, containing altogether 12½ gallons, the largest of which, of 6½ gallons, was found concealed in the hold.

The captain admitted that the galley was large, but it had always been in the ship, which was in the habit of bringing over passengers from Brazil. The stove is of the ordinary class, and contains an oven on one side and a boiler on the other. It was made clear by the evidence of the inspectors that there was no boiler properly so-called on board. Nothing that at all approached in size what is understood by the Portuguese word "caldeirão." The whole of the cooking utensils belonged to the stove, and might altogether cook for thirty or forty persons, but the inspector stated that they could not be used at once, as there was no room on the stove for them all at the same time. The captain declared that the largest boiler or saucepan had been placed in the hold when the passengers left the vessel, as he had no further use for it.

7th. There are evidences of a former slave-deck.

The captain admitted that there had formerly existed a small deck for the use of the passengers. The inspectors were both of opinion that it had long ago been abolished; one of them could not state with certainty that any traces of it were visible. Lieutenant Shuckburgh, the other inspector, stated that he saw remains of nails and

the marks showing where it had been fixed to the sides, but they were irregular; the space occupied by the flying-deck was between the mainmast and the store-room under the cabin; as the vessel is small, the deck must likewise have been of very limited dimensions.

I beg particularly to refer to the evidence of the inspectors respecting the boilers and the flying-deck.

8th. "I would call attention to the fact that the '*Maria*' was bound to Loanda, but that the master changed the course and proceeded to the Congo."

This is undoubtedly true, and the allegation of the master that want of ballast compelled him to change his course was not satisfactorily proved; but that circumstance alone, however suspicious, would not justify the condemnation of a vessel.

9th. "The proceedings of the '*Maria*' on coming down the River Congo are not free from suspicion, for it was either with the intention of anchoring at Vista, or of avoiding Her Majesty's ship "*Speedwell*," that the vessel kept on the north side of the Congo, and eventually got into a position of great danger."

The "*Maria*" should have kept to the south side of the river if the prevailing winds permitted her to do so. The captain, however, asserted that he was ignorant of the navigation of the river, and that the pilot took him to Banana. I considered the movements of the "*Maria*," after leaving Porto da Lenha, sufficiently suspicious to justify her detention, and it was principally for that reason that I voted against the claim for compensation, but the evidence produced satisfied the Court that the "*Maria*" had been driven by the rollers, currents, and light and contrary winds into the dangerous position from which she was extricated, and that when detained she was engaged on a legal voyage; she was consequently adjudged a bad prize, and ordered to be restored to the master. A difference of opinion arose on the claim advanced for compensation. An arbitrator was chosen by lot, which fell on the Portuguese Arbitrator, and the majority decided that the owner was entitled to damages, which were awarded for the amount of 1,725\$479 reis, or 383*l.* 8*s.* 10*d.*

As the "*Maria*" was visited by an officer from Her Majesty's ship "*Speedwell*" on the evening of the 31st August, who considered her then on a legal voyage, and made an entry to that effect in the ship's log-book, as a boat from that vessel was sent on board of her on the 1st of September to assist her in her distress, and remained on board until the "*Ranger*" appeared, there was no circumstance to justify her detention which did not exist when visited by the officer of the "*Speedwell*" on the 31st August, and Acting Commander Sandys would, I think, have exercised a sound judgment had he remained satisfied with the report of that officer, and allowed the "*Maria*" to continue her voyage.

A translation of the evidence taken in the cause is annexed.

Loanda, December 18, 1865.

(Signed) W. VREDENBURG, *Her Majesty's Commissioner.*

Proceedings of the Court and Evidence received in the case of the Portuguese brig "Maria."

(Translation.)

THE captor notified to the Secretary on the 14th of September his arrival at this port with the vessel he had detained. The Court met on the 16th of that month, on which occasion Senhor Fernando da Costa Cabral was sworn as interpreter, and the monition was issued returnable in five days.

On the 21st September the captor was sworn to the truth of his declaration, and the ship's papers, presented by the proctor of the claimant, were placed in his hands, and he declared that they were the same that he had seen on board. He then deposed as follows:—

That on the 3rd September he was in command of Her Britannic Majesty's ship "*Ranger*," and that on that day he detained near Vista the Portuguese brig "*Maria*," on suspicion of being engaged in the Slave Trade. That she was then in danger, and striking on a sand-bank. That he first saw the brig at nightfall on the previous evening. That he immediately sent boats to her assistance, placing his ship as near to her as possible. That he detained the brig after she was afloat and safe, but that she was incapable of navigating, having lost her rudder. That she could not have been saved had he not assisted her. That the brig had come from Porto da Lenha, and that Vista is to the north of the river. That Her Majesty's ship "*Speedwell*" had sent a boat to her assistance, and that he heard a gun fired and saw the flag half-mast. That he considered that the brig had anchored off Vista to avoid meeting the "*Speedwell*." That he knew that she had been twice visited by the "*Speedwell*," once at Porto da Lenha, and a second time when she was going towards Vista. That the "*Speedwell*" had left Shark's Point to chase the brig. That she went first to Vista and then to Banana. That the circumstances were the same when he detained the brig as when she was visited by the "*Speedwell*." That the prevailing winds and currents did not drive the brig to Vista. That the large boiler was in the hold, covered with three or four feet of firewood. That there were marks of nails in the hold, and marks of the planking on which a flying-deck had been laid. That he had not shown to the captain his authority to search ships, because it had not been asked for, and that he overlooked it on the occasion when he had succeeded in saving the brig. That he had not taken the ship's papers because he did not feel certain that he could do so while the flag was flying, and that it might have been considered an offence to the nation to which she belonged.

The Court then proceeded to appoint Inspectors, and it was agreed that a Lieutenant of Her Majesty's ship "*Archer*," and an officer of the Portuguese corvette "*Infante D. João*," should be requested to act as Inspectors.

On the 23rd of September the Court met again for the purpose of examining the captain of the vessel detained.

He stated that his name was José Alvez Fernandez Agoas. That he was a native of Figueira, and owner of the brig "*Maria*," his residence being on board the same. That he was a bachelor, and a Portuguese subject. That he took command of the vessel in Rio de Janeiro four years ago. He sailed under the Portuguese flag, and had no other on board when the ship was detained. That she was of 180 tons burden, and that the crew consisted of twelve persons, including himself. That they were shipped in Rio de Janeiro, and there had been some changes as shown on the list. That he was sole owner, and that nearly the whole of the cargo belonged to him, a portion of the rest being deliverable in Loanda. That he had two passengers on board, who embarked at Porto da Lenha, both free, one being a native of Cabenda, and the other of the Congo, their destination being Loanda. That the last place from which the ship was cleared was St. Thomas. That he went, after leaving that place, to Porto da Lenha, for the purpose of taking in ballast, and that he took in there beans, firewood, and some other articles, to deliver in Loanda. That when he was detained he was at anchor opposite Banana. That when he saw the captor he was in front of Vista, near the shore, and in danger, and that he had requested assistance from the "*Speedwell*." That that spot was not on the way to Loanda. That he had been forced there by a strong current and heavy rollers ("*calena*"), and to avoid getting there he had anchored in sight of the "*Speedwell*" at Moanda. That the cable parted, and he let go a second anchor, which dragged towards th

north, and brought him up off Vista. That he left St. Thomas with fourteen pipes and two tanks of water ("agoada"), in all about twenty pipes. That he took in no more water after leaving St. Thomas. That he calculated at thirty days the length of the voyage thence to Loanda, and did not consider the quantity of water excessive, as some of the casks did not contain fresh water. That he does not remember how many contained fresh water, and that it is usual to dispatch the pipes ("pipas d'agoada") full or empty. That when the vessel struck they emptied some casks and threw overboard some wood to lighten her. That at that time there were six pipes, and the two tanks full of fresh water. That he calculated the duration of the voyage from Porto da Lenha at from sixteen to eighteen days, and did not consider the quantity of water unusually great, as it is more prudent to carry an excess. That he had made many voyages to the coast of Africa, but none to the Congo. That he had not more water-casks than were necessary for a vessel of that size. That the kitchen on board was large. That he had no boilers on board that did not belong to the stove. That he had four small boilers and two larger ones, but that they are not boilers ("calderões"), but saucepans ("panelas"). That he had no boilers ("calderões") on board. That the largest one only was in the hold, and that it had been put there because it was only used when he had passengers on board, and that when the whole of them were in use they could cook for about thirty persons. That the ship and part of the cargo that belonged to him were not insured, but that he had no information about the remainder. That he received the two passengers at Porto da Lenha with a pass from a merchant there. That he left St. Thomas without ballast, because stone ballast cannot be obtained there. That he put in some sand, but did not take much ballast, because it was not the season for tornadoes, and that it was much easier to go to the Congo without ballast than to come to Loanda. That the want of ballast caused no damage, but it impeded the navigation of the vessel, which rolled a great deal. That he threw about fifteen or sixteen beams into the sea to lighten the ship when she was in danger, together with a quantity of firewood. That he had a carpenter whom he left behind to make a new rudder. That he is in the habit on his voyages from Brazil to carry fourteen pipes and two tanks of water, and that the tanks were full when he was detained. That the men of the "Speedwell" helped the crew to empty five pipes. That he received at Porto da Lenha four casks and two barrels of palm-oil to deliver in Loanda, and another cask belonging to him. That he threw three water-casks into the sea to lighten the ship. That he conveyed to St. Thomas in July some fish and cattle as cargo, and seventeen passengers. That the casks he had on board are the same that he took from Loanda to St. Thomas. That in the after part of the hold there had existed a small deck, which it is customary for the passengers for St. Thomas to use, but that it had been knocked away when he was detained. That there are no constituted authorities in the Congo. That the two passengers on board are free. That when he left St. Thomas he had no intention of going to the Congo, and on his log-book being shown to him, in which it is stated under date of the 25th July that he intends to go to Loanda and the Congo, he explained that he directed his course for Loanda, because he had no certainty that the winds and currents would enable him to go to the Congo. That it was on the 10th that the Commander of the "Ranger" made the entry in the log, stating that he was detained, and that he presented his written protest on the same day. That he did not follow the south bank of the Congo instead of the north, because he is not a pilot, and that a certain Francisco de Moraes, who acted as pilot from Porto da Lenha, left him at Banana. That the wind was south, and his course west. That he could not get on that course, because the current carried him more inshore. That he was constantly sounding; at first he found nine fathoms, and when he got into three fathoms he anchored; and that the whole of these manœuvres took place in sight of the "Speedwell;" and that there were heavy rollers ("calema"). That after he got into three fathoms he had a boat's crew of the "Speedwell" on board to give assistance, and they only left the vessel and went on board the "Ranger" when that vessel came and assisted with her boats.

At this session Lieutenant Shuckburgh, of Her Majesty's ship "Archer," and Lieutenant Sampaio, of Her Most Faithful Majesty's ship "Infante D. João" were appointed as Inspectors.

On the 26th September the mate of the "Maria," Alexandro Fondela, a native of Figueira, aged 26 years, was examined.

He stated that he was not certain how many passengers came from Brazil; some came to Loanda, and a family was left at Mossamedes. That the cargo they took to St. Thomas consisted of soap, some fish, and some sheep and goats. That they brought from St. Thomas fourteen pipes and two tanks of water. That when they left St. Thomas their course was shaped for Loanda; but that the captain told him that, if the wind were favourable he would go to the Congo. That they took in ballast, consisting of timber and firewood, at Porto da Lenha. That he had never entered the Congo before this voyage; that he had made three voyages in the brig. That the prevailing wind in the Congo when they were there was from south-west to south. That the river was calm, but there was a calema outside. That when they anchored the ship's head was in the direction of the current, and her stern towards the north-west. That the first time they anchored the anchor did not hold. That they anchored a second time at a place called Diabo. That when the anchor dragged they drifted towards the shore. That it was then that the cable broke. That when they first asked for assistance the "Speedwell" appeared, and the other ship came the day after, and they also asked for assistance from her. That they emptied the water-casks on deck at Ponta do Diabo. That they received in the Congo two free blacks as passengers. That the family they left at Mossamedes consisted of two ladies, a child, and the husband of one of the ladies. That they took in at St. Thomas both fresh and salt water. That he is not certain what quantity of fresh water they took. That all the casks were then in the hold. That they emptied the water at Porto da Lenha, and refilled five casks with fresh water. That they took a pilot at Porto da Lenha, who left the ship at the mouth of the river, at the north point. That the pilot came on board again when they were at anchor off Ponta do Diabo (Ponta do Diabo is in the immediate neighbourhood of Vista); he came in a launch to render assistance, but the English boats were already on board; the pilot's name was Moraes. That during the three days they were between Banana and the Ponta do Diabo they had only on one morning a land breeze, and it was too light to enable them to weigh anchor. That during these three days they never had a wind with which they could get off. That on the previous voyage the captain was half-owner of the vessel; he is now sole owner. That the vessel has traded to this port during the last three years. That it was on the 13th of August that the captain changed his mind and determined to go to the Congo. That up to that date he had always, when the wind permitted, shaped his course for this port. That he has no interest in the ship or cargo. That the stove on board is of iron. That it is not larger than is necessary. That they have on board only the saucepans ("panelas") belonging to the stove. That the winds were fair when they entered the Congo. That when they emptied the casks they had on board three pipes full of fresh water. That the tanks were still full, and hold about six pipes. That the want of ballast was felt two or three days after they left St. Thomas. That none of the pipes on deck, when the ship was in danger, contained salt water. That the salt water they took in at St. Thomas was emptied at Porto da Lenha before the vessel commenced taking in cargo. That they took thirty-two persons to St. Thomas, including the crew.

On the 27th September the inspectors appeared, and stated that they had prepared no written Report, but stated that they were prepared from their notes to answer any questions addressed to them.

CLASS A.

Lieutenant Antonio do Nascimento Pereira Sampaio was questioned, and replied that the hatches were the same as are usually found on board merchant-ships.

Lieutenant Shuckburgh intimated that he was also of that opinion.

Lieutenant Shuckburgh stated that there was a division at the stern not usually found in British ships, which communicated by a hatch with the cabin above, but there was no communication with the hold, and he did not think it was appropriate or intended to be used for carrying slaves.

Lieutenant Sampaio stated that he found no division unusual in the Portuguese merchant-ships, particularly those employed in conveying passengers to Brazil, which vessels have generally a division under the cabin used as a store-room, and for the reception of the passengers' luggage. Both inspectors stated that they found no wood prepared for laying a slave-deck, and that there were neither shackles, bolts, nor handcuffs on board. Nor was there any water. They found eleven casks and two tanks; the latter appearing to have been in the same place since the ship was fitted out, and which might hold about three pipes each; three of the casks had their bottoms out. They also stated that no mess tubs or kids were on board.

With respect to the boiler, Lieutenant Sampaio replied that there was no boiler, properly speaking, on board. That there were three iron saucepans ("panellas") of ordinary size, one being somewhat larger than the others. The three together might serve for cooking for about thirty persons; besides these were two or three small saucepans, each of which might be used for cooking for one person. The stove was divided into three parts, one of which served for cooking, another as an oven, and the third as a place for hot water. The part used for cooking was not of extraordinary dimensions and beyond the small utensils could not admit at one time of the use of more than one of the larger utensils. The space used as a kitchen or galley was rather large for the size of the ship, but its appearance and dimensions showed that it was old. There was nothing extraordinary about the oven, which appeared to be intended for baking bread and meat. The place for boiling water might contain twenty-five or thirty canadas.

Lieutenant Shuckburgh stated that he agreed with the foregoing statement. With reference to the provisions on board, Lieutenant Sampaio stated that there existed one bag of rice, no farinha or maize, a large number of straw bags containing beans, amounting in quantity probably to 80 or 100 alquieres; that the quantity of beans was very large if intended for the use of the crew. Lieutenant Shuckburgh stated that he agreed with Lieutenant Sampaio. That he did not see the sack of rice, and thought that the beans might weigh about $4\frac{1}{2}$ English tons.

Both inspectors declared that there were no mats or matting on board. They also stated that there were no bricks or other materials with which a temporary cooking apparatus might be constructed.

In reply to a question as to the indications of a flying-deck having existed, Lieutenant Sampaio stated that he could not with certainty say that any construction of that nature had ever existed, inasmuch as he had merely found in the hold abaft the mainmast vestiges of two or three nails, and that before the mainmast and in other places that he examined on both sides, he found no such vestiges.

Lieutenant Shuckburgh stated that he had found no vestiges of a flying deck having formerly existed, but not recently. There were signs of wood having been nailed to the sides and the remains of some bolts.

In answer to a question whether the vestiges existed all the way from the mainmast to the bulkhead astern, Lieutenant Sampaio stated that the rare vestiges that showed that something had been nailed to the sides showed that if formerly a flying deck had existed, it had long before been demolished, and could not have occupied a greater space than between the mainmast and the bulkhead that divides the hold from the store-room, a distance of about 10 feet. Lieutenant Shuckburgh agreed with the foregoing answer, and added that he had found no regularity in the places of the nails.

The inspectors in answer to a question whether a ship on leaving the Congo for Loanda could be found in the place where she was when she asked for assistance without going there intentionally, replied that if she had followed the south bank of the river, she could not have been found there, but that if she went along the north shore she could easily be carried there by the currents. In answer to a question whether a vessel bound from Porto da Lenha ought to navigate along the north bank of the river, Lieutenant Sampaio answered that it depended on the winds, the navigation and the quality of the vessel.

Lieutenant Shuckburgh answered that she ought not to follow the north bank. They were then asked (a chart being placed before them, and the position of the vessel marked on it) whether being in a position indicated with the wind at south-west, the want of ballast alone was sufficient reason for altering her course, and proceeding to the Congo instead of continuing her voyage to Loanda. Lieutenant Sampaio replied that unless there existed some other special reasons there was no necessity for so doing. Lieutenant Shuckburgh answered in the negative.

They were then asked whether with the timber on board and the bamboo sticks a carpenter could not make a flying deck. To this Lieutenant Sampaio replied that all the timber was not of a description with which to make planks; secondly, that even if it could be made into planks there would not be sufficient to make a deck; thirdly, that to make planking a proper sawing apparatus would be necessary; and with respect to the bamboo sticks they had neither the necessary thickness nor solidity to be used for that purpose. Lieutenant Shuckburgh replied that the timber would require to be sawn, and with respect to the bamboo sticks ("bordoes") that he never saw a deck made with them.

The examination of the inspectors was then closed, and his Excellency the Governor-General, who had been acting as Portuguese Commissioner, declared, that as he was about to leave the province and deliver up the Government to the Council, the proceedings must be adjourned, and notice given to the President of the Council.

The Court met again on the 3rd October, on which occasion Senhor Juiz José Mendes Afonso, the principal Magistrate, took his seat as Portuguese Commissioner in default of the Portuguese Commissioner and Arbitrator and the absence of the Governor-General, and the captain was questioned on certain matters which appeared obscure in his previous examination. He stated that between St. Thomas and Porto da Lenha they had used five casks of water; that at Porto da Lenha they emptied all the casks containing salt water, and refilled five casks with fresh water, and that they only had those five casks full of fresh water when they left Porto da Lenha, and nine casks were empty when they were boarded by the boat of the "Speedwell," and they emptied the whole of the casks when they struck; that when he stated in answer to a previous question that he had not taken in more fresh water since he left St. Thomas, he understood the question as meaning a larger quantity ("mais aguada"); that he used the water, both fresh and salt, that he had brought from St. Thomas for the purpose of washing out the hold, as it was stowed out there as ballast.

Antonio Bizarro, mariner, a native of St. Martinho, aged 22, was then examined and deposed:—

That the brig was detained at the port of Banana. That he formed a part of the crew at St. Thomas, and assisted in putting the water on board. That when they left that island there were some of the water-casks empty, but he does not remember how many, nor does he remember how many of the casks contained fresh water. That at Porto da Lenha they emptied the casks in the hold to stow the cargo. That Banana is to the north of the

river, and although they had a pilot they could not avoid going there on account of the wind. That he does not remember how many casks they emptied at Porto da Lenha, as he was ill at the time. That at St. Thomas they took in both fresh and salt water, and as he was on shore at the time he cannot say whether the salt water was placed in the hold or on deck. That when they left St. Thomas there were five pipes on deck, but cannot say whether they contained fresh or salt water; he was ill during the whole voyage to the Congo, and for that reason cannot say whether there were more empty than full casks. That he had served for three years on board the vessel, and she had always carried twelve or thirteen pipes and two tanks of water. That the vessel took in no casks at St. Thomas beyond those she had taken there.

This witness had evidently been suffering from severe illness, and appeared rather weak in the head.

Jozé Luiz de Figueiredo, seaman, a native of Figueira, aged 23, was then examined:—

He deposed that the "*Maria*" had been detained at Banana. That they took in five casks of fresh water at St. Thomas. That they emptied the casks at Porto da Lenha. That they did not anchor in the Congo after they left Porto da Lenha until they arrived at the north point near Banana. That they were driven to Banana by the force of the current, which was very strong. That they took a pilot, who left the vessel opposite Banana in about the middle of the stream. That they continued on to cross the bar; they were then visited by the "*Speedwell*" and told they could go on, but the force of the current carried the ship to the northward near Point Cabinda, and there they remained till the following day; they then weighed and tried to get out, but as the wind did not permit them to do so, they again anchored in about the same place. That not being able to get away in consequence of contrary winds and strong current, the boat of the "*Speedwell*," with a crew and officer, came to their assistance. That they made signals requesting further assistance, and the vessel beginning to strike on the bank, they were assisted by the "*Ranger*," and towed by her to Banana, and after visiting the "*Maria*" they placed an officer on board. That they remained from the 3rd to the 10th at Banana for want of a rudder, which they had lost when they struck, and were brought to Loanda without a rudder. That they brought from Rio de Janeiro the same casks that they had on board when they left St. Thomas, but does not remember how many there were. That they brought from Brazil a crew of fifteen persons and fifteen or sixteen passengers, and there remained some water in the tanks when they arrived at Mossamedes. That at St. Thomas they only filled five casks with fresh water. That the water in the tanks was not fit to drink, being brackish. That the fresh water casks were in the hold when they left St. Thomas, together with those filled with salt water. They did not use the water in the tanks because it was bad.

The examination of the witnesses being concluded, the papers (in accordance with the practice that has always obtained in this Mixed Commission Court) were ordered to be delivered for five days to each of the Proctors.

On the 17th October the Court, after hearing the respective Proctors, declared the Portuguese brig "*Maria*" a bad prize. A difference of opinion arose on the question of indemnification for damages, to which the Portuguese Commissioner considered the owner entitled; the British Commissioner holding a contrary opinion.

At a session held on the 20th October, an Arbitrator was chosen by lot, which fell on the Secretary of the Government. The question, after discussion, was put to the vote on the 24th October, and the majority (the British Commissioner being dissentient) having voted for the affirmative, the account presented by the owner, amounting to 5,854\$610 reis (1,301*l.* 0*s.* 6*d.*) was taken into consideration at a session held on the 20th November, and 1,725\$479 reis, equal to 383*l.* 8*s.* 10*d.*, were awarded to him.

No. 26.

Her Majesty's Commissioner to Earl Russell.—(Received February 16.)

My Lord,

Loanda, December 28, 1865.

IN my Annual Report for the year ending the 30th September, I have stated that persons are constantly making voyages to and fro (between this port and San Thomé), accompanied on each occasion by 10 blacks. As it is my desire on all occasions to be scrupulously correct in the information that I transmit to your Lordship, I feel bound to acknowledge that I had been misinformed in that respect, and I have since ascertained that no person (with one exception) has been allowed to make two voyages in the character of colonist. That is the only statement in my Report which is not strictly correct, and I much regret I was led into this error.

I have, &c.

(Signed) W. VREDENBURG.

No. 27.

Her Majesty's Commissioner to Earl Russell.—(Received February 16.)

My Lord,

Loanda, January 2, 1866.

IN my last annual Report I had the honour to inform your Lordship that José David, the boatswain of the slave-steamer "*Cicéron*," who had been captured in a boat by Commander Perry, of Her Majesty's ship "*Griffon*," and delivered by that officer to the Portuguese authorities in this city, had been condemned by the Tribunal de Prima Instancia to serve for two years on board a vessel of war, but that he had appealed against that decision to the Tribunal da Relação.

I have now the honour to transmit a translation of the judgment of the latter

tribunal, by which your Lordship will observe that by the decision of the majority of the Judges the original sentence has been confirmed.

One of the Judges, Senhor Mendes Affonso, voted for quashing the proceedings and releasing the prisoner on the most extraordinary grounds. The reasons given by him to explain his vote were the non-presentation of the boat to the Mixed Commission or the Tribunal de Presas, and of the condemnatory sentence of one of those Courts. It is impossible to believe that a Judge of long standing could be ignorant of the fact that the British and Portuguese Mixed Commission is not competent to try and condemn a boat belonging to a Spanish vessel, and that the Tribunal de Presas was equally incompetent to try a foreign vessel or boat captured for being engaged in the Slave Trade by a British ship of war on the high seas. If, as he alleges, the presentation and condemnation of the vessel is essential to justify the conviction of Portuguese seamen, the XXVth Article of the Treaty will be rendered inoperative in the case of the numerous Portuguese serving on board Spanish slave-ships, as there is no Court in this city competent to try and condemn them when captured out of Portuguese waters.

Senhor Mendes Affonso's decision may, I think, be attributed more to a disinclination to convict a Portuguese slave-trader than to ignorance of law; he was overruled, however, by his colleagues, and the judgment as recorded will possibly be adopted as a precedent in cases of this nature.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 27.

Judgment in the case of the Boatswain of the "Cicéron."

(Translation.)

IT is agreed in Relação that they confirm for some of the grounds the sentence appealed against, which condemned the prisoner José David to two years' service on board a ship of the State in the capacity of seaman, taking into account the time he has already passed in prison, because, notwithstanding the want of capture of the boat which the prisoner was taken in, it is proved, nevertheless, not only by the depositions of the witnesses, but by the confession of the prisoner, that the ship of which he formed one of the crew was destined for the Slave Trade, and as such he incurred the penalties established in the XIXth Article, section 2, of the Decree of the 10th December, 1836. Costs to be paid by the prisoner.

Loanda, December 13, 1865.

(Signed) J. GUEDES.
FURTADO D'ANTAS.

(Mendes Affonso.) I have voted for the nullity of the proceedings, and consequently for the immediate discharge of the prisoner, for the absolute want of the essential elements which constitute the imputed crime, which are in this case very singular. The neglect to present the craft captured, the boat itself, to the Tribunal of Mixed Commission or the Tribunal de Presas, and the condemnatory sentence of one of those tribunals as required by the Treaty of the 3rd July, 1842, and the Decree of the 14th September, 1844; and in consequence of none of the documents having been signed by the prisoner, nor the originals added, as is essential in law to constitute a proof.

No. 28.

Her Majesty's Commissioner to Earl Russell.—(Received February 16.)

My Lord,

Loanda, January 2, 1866.

I HAVE the honour to transmit a Return of Vessels that have been tried before the Mixed Commission during the past half-year on suspicion of being engaged in the Slave Trade.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 28.

RETURN of Vessels Tried before the Mixed Commission during the Half-year ended December 31, 1865.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where Captured.	Property Seized.	Seizor.	Number of Slaves Captured.	Date of Sentence.	Decretal part of Sentence.
Maria ...	Portuguese	Jozé Alves Fernandez Agons	1865 Sept 3	Off Vista ...	Brig ...	Acting Commander H. Stair Sandys	None ...	1865 Oct. 17	Released, and damages awarded.

Loanda, January 1, 1866.

(Signed) W. VREDENBURG, Commissioner.

No. 29.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received April 10.)

My Lord,

Loanda, February 8, 1866.

IN my despatch of the 17th August last I had the honour to bring to Lord Russell's knowledge various instances of extortion and ill-treatment committed by the Governors and Chiefs of the districts in the interior to the prejudice of the negroes under their superintendence.

I have now the honour to transmit a translation of a circular issued by the President of the Council, the chief civil authority in the absence of the Governor-General, in which it is stated that notwithstanding the many Decrees and orders issued by the Portuguese Government prohibiting the imposition of forced labour ("serviço de carregadores") and the provisions of the Penal Code, the Governors and Chiefs have persisted, in combination with the traders and agriculturists, in compelling the negroes to perform that description of service without properly remunerating them, and even, as is notorious, of defrauding of their just pay those whom they compel so to labour.

The expressions made use of by the President of the Council are of the clearest and strongest character, and may probably induce the Portuguese Government to modify the statement in the despatch of the Duke de Loulé to the Minister of Marine and Colonies, dated March 31, 1865, a copy of which was transmitted to me in Lord Russell's despatch of the 10th May last, which statement is as follows:—"As those reports prove that the aforesaid Governor-General complies with his duties as regards the suppression of the Slave Trade, it is clear that if his subordinates did not comply with their duty, he would never allow any functionaries to continue to serve in the Province under his charge who should disobey him."

In my despatch of the 10th August I mentioned that the Governor-General could not remove such of his subordinate authorities as were corrupt because he was unable to find others more trustworthy to supply their places, and that he had been unsuccessful in obtaining the conviction of those he had put upon their trial; the circular of the President of the Council shows that they continue to disobey not only the orders of the Governor-General, but that they pay no regard to the express prohibition of their Government; moreover robbing of the pay which they have earned the negroes that they, by an arbitrary and illegal excess of authority, have compelled to labour. Notwithstanding the assertion of their guilt by so competent an authority, it is not within my knowledge that any of them have been convicted and punished.

It will I trust be unnecessary for me to produce any further proofs of the arbitrary and corrupt character of the subordinate authorities employed in the province.

I have, &c.

(Signed) W. VREDENBURG.

 Inclosure in No. 29.

Circular to the Governors of Districts, Administrators of Conselhos, Chiefs and other Authorities of the Interior of the Province.

(Translation.)

The Palace, Loanda, December 4, 1865.

MANY and repeated have been the Portarias which the Government of the metropolis have sent to this Government, charging it to enforce and execute the very decided and prudent instructions which exempt the free blacks from the hard and forced labour commonly called the service of carriers ("carregadores") for the transport of merchandize and agricultural labour, orders comprehended in the Decree of the 3rd of November, 1856, and more fully elucidated and explained in the Portaria of the Minister referred to of the 22nd November, 1858, the execution of which was even lately so strongly urged in the Portaria of the 28th August of the present year, Boletin No. 41, directing that the abuses should be put a stop to, which had of late taken place, of obliging the free natives to work as carriers at a very small remuneration;

Seeing that, notwithstanding such very clear and decided orders, it still unhappily appears, as is perceived by the Portaria above-mentioned, that some Governors, Chefes, or Administrators of Conselhos, continue to disregard such just and salutary instructions, as though they were ignorant of them, distorting ("sofismando") and frustrating them in different ways by leaguings with the merchants and agriculturists, forcing those blacks to serve with the aggravating circumstance of their not being duly remunerated, or, on the other hand, of their being cheated, as is notorious, of their proper gains by those who obliged them so to serve, as in the times before the Decree referred to, when the system was in a certain manner tolerated on account of the gratuity that the Chefes of those times received from the merchant for each carrier thus pressed, abuses so confirmed by time and deep-rooted, and which, in spite of their being condemned and punishable by heavy penalties according to the Penal Code, it has caused much trouble to abolish, continued and sustained under the pretext of the natural indolence, laziness, and obstinate refusal of those blacks to this service, and also the urgent necessity to transport the articles of commerce from the interior to the coast and seaports;

Besides this, it being certain that many dissensions and law-suits of the interior against the said blacks have

originated in the disobedience and resistance to the subaltern employés of the aforesaid Governors and Chefes, and to the Commanders of Divisions (of the country), non-commissioned officers, native police, pedestres, &c., upon their going to recruit from those blacks in their districts ("sobados"), commonly called the impressment of carriers, on which occasions they are in the habit of exercising the greatest arbitrariness and extortions against these blacks, exempting from that laborious work those who give them anything, and forcing those who have nothing to give;

Seeing, also, as experience shows, that the blacks engage themselves in that same service in various parts of the province, where they are regularly paid, according to what has been agreed upon with them, which does not occur only in the conselhos and districts, like that of Golungo Alto, where such abuses are still carried on, and which the blacks resist by emigrating to neighbouring tribes, causing very severe damage to the development and progress of agriculture and commerce by the scarcity of labourers, produced by this very pernicious system, that violent labour consequently being a devastating curse which has, from remote times, laid waste the principal districts of the interior;

Considering that this abuse is so much the more grave, as assuredly it is a sacred duty of the administrative authorities to treat the governed as a good father of a family, consulting their interests, aiding and protecting them to the utmost extent of their beneficent and paternal authority, among these duties being that of the noblest mission of assisting, by every lawful means, commerce and agriculture in the interior of this province, convincing, persuading, and stimulating, by gentle and bland manners, the uneducated and indolent blacks to the work of cultivating their own or another's land, for that end mediating and facilitating the private agreements, animating and inviting them to this work, but at the same time taking care that they are duly paid, and that the agreements are fulfilled by both parties, acting, as by their office bound, as diligent and benevolent mediators between the wretched and the powerful, the rich and the poor, the educated and the uneducated, thus guiding and conducting these natives to the love of labour, which does so much honour to and so ennobles the man who devotes himself to and subsists by it, whatever labour it is, so long as it is lawful;

Considering, further, that these very salutary and useful laws are not collected, and that it is a long time since they were published, and in different boletins, as also, besides these, many others not less useful which treat of the duties which these same free blacks are bound to perform with regard to cleaning, keeping in order, and opening roads in their respective districts, cleaning and clearing rivers, keeping in order and repairing their ditches and sluices, in the native language bongues;

And it being of great public convenience that these regulations, on account of their acknowledged importance, should be published anew and collectively, that they may be better known and consulted at one glance by the authorities and those of all classes interested who have to execute them, in order that they may have before them the rights and correlative obligations which arise therefrom, thus reminding every one of these rights and obligations already forgotten, perhaps, by some, and to many not known, seeing the continual and frequent changes of authorities in this province, and the general want of stability owing to the peculiar condition of the country;

For all these weighty reasons, and in fulfilment of the said Portaria of the 28th August last, which so strongly enjoins that these abuses be terminated, for this purpose the principal regulations are again published, with the faithful execution of which all Governors, Chefes, and other authorities of the interior are charged, and in order that they may be brought to the knowledge of the natives in each of their respective districts and conselhos in the interior, several copies of this circular shall be forwarded to them.

And that they may be better known and be within the reach of all, there are, besides, transcribed several Articles of the Penal Code and the Novissima Reforma Judicial, by enforcing which will greatly contribute towards the execution of the above-mentioned regulations.

(Signed)

JUIZ JOSE MENDES AFFONSO,

President of the Council of Government.

No. 30.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received May 31.)

My Lord,

Loanda, March 23, 1866.

COMMANDER GRUBBE, of Her Majesty's ship "Jaseur," told me on his return from a trip to the south about the middle of last month, that he had been informed by Senhor Costa Leal, Governor of Mossamedes, that embarkations of slaves had been effected from Benguella Velha in or about the month of October last.

I was, I confess, notwithstanding the implicit reliance that can be placed in every statement of Senhor Costa Leal, in considerable doubt whether Commander Grubbe had correctly understood what Senhor Costa Leal had said to him, not a rumour of these embarkations having reached my ears.

I was confirmed in my doubts by the result of my first inquiries, but on pursuing my investigations I was at last fully satisfied that the Portuguese brig "Aurora" had taken away a cargo of slaves about the time mentioned, and as so frequently happens in these cases, when the subject became bruited, it appears to have become perfectly well known to the whole city.

The "Aurora" left Lisbon in the spring of last year for Hamburg. It was announced that she was to sail from that port for Loanda with a cargo of rum. I have no knowledge of the time she left Hamburg, but it appears most certain that instead of coming here she went to Benguella Velha, and shipped a cargo of slaves.

On the 24th of last month I wrote to Senhor Mendes Affonso, the President of the Council, to request that he would instruct the Commander of the Portuguese corvette "Infante D. João," who was about to visit the coast to the southward, "to inquire

into this matter, and endeavour to ascertain who were the persons engaged in these shipments for the purpose of bringing the offenders to trial."

I have the honour to transmit a translation of his reply, by which your Lordship will observe that he admits having received confidential despatches from the Governors of Mossamedes and Benguella respecting these shipments; and he further mentions another attempt of which I was ignorant.

I have also the honour to transmit translation of a portion of the address read to the Governor-General, on his taking charge of the Government on the 12th instant.

It will scarcely appear credible that the author of that address, in which the Governor-General is assured that the Slave Trade is extinct in that portion of the Portuguese territory where there exist authorities, is the same person who a fortnight before admitted to me that he had received from the two Governors information respecting the embarkations that had taken place. I will not say that it was the wish of Senhor Mendes Affonso to mislead the Governor-General or divert his vigilance, but I have not without cause long before now felt satisfied that no reliance whatever can be placed on his professions of hatred of the Slave Trade and slave-traders.

We have, &c.

(Signed) W. VREDENBURG.

Inclosure 1 in No. 30.

The President of the Council to Her Majesty's Commissioner.

(Translation.)
(Confidential.)

Sir,

Loanda, February 24, 1866.

I HAVE the honour to acknowledge the receipt of your confidential despatch of to-day with respect to the strong suspicions that, in the month of September or October last, two embarkations of slaves had taken place in Benguela Velha, and requesting that the Chief of the Portuguese naval station, who leaves to-day for the south, be recommended to endeavour to obtain proofs of the crime in that neighbourhood, and to apprehend the criminals.

Thanking you for your cordial co-operation in this grave business, it behoves me to inform you that having latterly received confidential communications from the Governors of Mossamedes and Benguela with reference to these suspicions, and also of another attempt at embarkation in that quarter, I requested some time ago the Chief of the station to despatch the schooner of war "Napier," and now the corvette "Infante D. João," which will leave to-day for the purpose you suggest, and to whom I immediately sent a copy of your confidential despatch, that he may have more complete knowledge of its contents.

Having always hated that revolting and hideous Traffic, I feel bitterly that there should be still cause for suspicion ("que se deem ainda estas suspeitas") that it exists in the Portuguese possessions, notwithstanding the constant efforts of the Government of His Most Faithful Majesty to insure its complete extinction.

(Signed) JUIZ JOSE MENDES AFFONSO.

Inclosure 2 in No. 30.

Extract from the "Boletim Official" of March 17, 1866.

(Translation.)

WITH respect to the actual state of the province your Excellency on this occasion cannot be properly informed. In the course of carrying on affairs you will become acquainted with it. What I can happily and with the greatest satisfaction assure your Excellency of is, that that vile and wicked Traffic in Slaves, the most ruinous cancer of this province, is extinct on the coast where we have authorities, and that the enormous capitals which were formerly swallowed up in it, impoverishing the province, are already employed with great advantage in agriculture and legal trade everywhere, notwithstanding the great calamities of war and pestilence which for the last ten years have afflicted it.

No. 31.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received May 31.)

My Lord,

Loanda, March 23, 1866.

I HAVE the honour to inform your Lordship that at a session of the Mixed Commission held yesterday the Judge of the Relação, Senhor Joaquim Guedes de Carvalho e Menezes, presented a certified copy of a Decree dated the 18th of December, 1865, by which he was appointed Portuguese Commissioner in the British and Portuguese Mixed Commission established in this city. He at the same time presented a certificate of his having taken the oaths before the principal Magistrate, and those documents having been examined and found in proper form, Senhor Guedes took his seat on the bench, in the capacity of Portuguese Commissioner.

I have, &c.

(Signed) W. VREDENBURG.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received May 31.)

My Lord,

Loanda, March 23, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 23rd December, inclosing copy of a despatch to Her Majesty's Minister at Lisbon relative to the export of slaves, under the pretence that they are libertos, to the Island of San Thomé.

I have not yet had an opportunity of speaking to the Governor-General on that subject, as his Excellency went to Mossamedes a few days after his arrival to quell a disturbance at that place and has not yet returned. As soon as I can ascertain what are his Excellency's intentions, I will without delay inform your Lordship what course he intends to pursue.

In your Lordship's despatch to Sir Arthur Magenis it is stated that the negroes shipped to San Thomé "are furnished with papers purporting to constitute them free men." I take the liberty of informing your Lordship that no papers whatever are furnished to them: they are taken to the Secretary's office, registered as libertos, and (as your Lordship observes), without their wishes being in any way consulted, are shipped off to the Island of San Thomé. They have no documents whatever to show what position they occupy, and are entirely at the mercy of the persons who purchase their services.

I have, &c.

(Signed)

W. VREDENBURG.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received May 31.)

(Extract.)

Loanda, April 2, 1866.

I HAVE the honour to report to your Lordship the arrival in this city on the 10th of last month of his Excellency Senhor Francisco Antonio Gonzalves Cardozo, the Governor-General. His Excellency disembarked in the afternoon of Monday the 12th, and the government of the Province was surrendered to him by the Concelho do Governo, who had administered the affairs since the departure of Senhor Andrade in October last. Addresses were presented to him by the Concelho do Governo and the Municipal Chambers. I have in my despatch of 23rd March transmitted to your Lordship a passage from the address of the former, in which his Excellency is congratulated on the extinction of the Slave Trade in that portion of the Portuguese territory where there exist authorities. As that statement was not in accordance with the fact, his Excellency in his reply avoided any allusion to it, but immediately he had finished his speech in reply he told me that he desired at the earliest opportunity to assure me that I could depend on his cordial co-operation in my efforts to put an end to the Slave Trade. His Excellency was kind enough to add that he hoped that the utmost confidence and cordiality would exist between us, and that the friendly relations which prevailed between Governor-General Andrade and myself would be continued.

At the dinner which was offered to his Excellency at the conclusion of the ceremonies, the Governor-General took advantage of an opportunity that presented itself in returning thanks for a toast, to make a few pithy and forcible observations on the Slave Trade. He expressed a hope that the inhabitants of the Province would once for all make up their minds to turn their attention to legitimate trade and agriculture, by which they would enrich the Province and themselves, and give up the infamous and degrading Traffic in Slaves; that he would not permit the benevolent intentions of the Government of His Most Faithful Majesty to be set at naught by persons who caused their honest endeavours to carry out faithfully their obligations to be suspected, and who brought discredit on their country.

I had no opportunity of conversing with his Excellency during the few days that he remained here prior to his departure for Mossamedes, but I received a despatch from him announcing his having taken charge of the Government, and repeating the assurances that I could depend on his cordial co-operation. I have the honour to transmit a translation of that despatch and a copy of my reply. In bringing to the Governor-General's knowledge the shipments that had been effected at Benguela Velha, an opportunity was afforded me of mentioning the remissness or suspected connivance of the Chief of Novo Redondo, in whose district Benguela Velha is situated. I have much

satisfaction in informing your Lordship that the "Boletim Official" published three days after contained a notice of that official's dismissal.

Towards the end of February a number of the worst and most worthless class of the inhabitants of Mossamedes presented themselves at the residence of the Governor, and by force and threats compelled him to embark on board a vessel then in port, and leave the Province.

Now, my Lord, Senhor Costa Leal had not only prevented all slave-trading in the district he had administered, but he had also rendered himself peculiarly obnoxious to the slave-traders of Benguela by denouncing their infamous practices. The cloven foot of the slave-trader was therefore necessarily prominently visible in the disorders at Mossamedes. A certain Rocho, who had accompanied a cargo of slaves from Benguela to Cuba, where he was captured, put himself in communication with the disaffected in Mossamedes, and was one of the most prominent leaders in the revolt.

As the Governor-General had on the day of his reception announced his intention to re-establish Senhor Costa Leal, and inflict summary punishment on the revolted, I thought an acknowledgment by me of the assistance rendered by him to the Commanders of Her Majesty's ships and to myself might be of service to him.

I regret to say that it is the intention of Senhor Costa Leal to resign his office. He informed me that nothing could induce him to submit any longer to the martyrdom under which he had suffered for the last three years. We shall lose in him a loyal and conscientious coadjutor, and the district of Mossamedes an able and energetic administrator.

The Governor-General did not return from Mossamedes until the 31st ultimo, and as I was desirous of reporting to your Lordship by this mail whether he intended to refuse his sanction to the shipment of libertos to San Thomé, I sought an interview with his Excellency the day of his return. I regret to inform your Lordship that he proposes to make no change in the system that obtained during the administration of Senhor Andrade.

His Excellency said that he considered their transport quite within the spirit and the letter of the Treaty of 1842.

I observed that the persons who accompanied the libertos, and were styled "colonists," were not in any way entitled to that designation, but his Excellency appeared to attach but little importance to that circumstance.

To another matter connected with the shipment of negroes to San Thomé, I requested the Governor-General's immediate attention. During the period that Lieutenant da Silva filled the office of Captain of the Port a new plan was adopted, by which slaves might be introduced into the Island of San Thomé. Lieutenant da Silva permitted the shipment as part of the crew on board the small craft that traded to that island, of a much larger number of men than were usual or necessary for the purposes of navigation. A number of them were left behind, and on the return of the vessels to this port, it was stated that they had requested and obtained permission to be left behind. Lieutenant da Silva had resigned his office before I obtained any knowledge of these transactions. I had hoped that the system would be discontinued by the present Captain of the Port, Lieutenant Santos.

I observed in the "Boletim" of the 10th March that a launch called the "Dondo," of twelve tons, had cleared for San Thomé, with a crew of eleven men, in addition to the usual number of ten libertos. The "Dondo" is the property of a person named Mantua, who has carried on the largest and most profitable trade in libertos to San Thomé. The disproportion of the tonnage of the vessel and the number of her crew was too glaring to pass unnoticed: I therefore particularly directed the Governor-General's attention to the "Dondo," and requested that on her return he would ascertain how many men she brought back from San Thomé, and if, as was tolerably certain, some of them had been left behind, he would institute rigorous inquiries to learn what had become of them.

I further requested that he would call for a Return of the number of men who were shipped at this port as composing the crews of vessels trading to San Thomé during the last six months that Lieutenant da Silva held the office of Captain of the Port, and the number that returned in those vessels.

To both of these requests the Governor-General immediately acceded. If the Return I requested is fairly and honestly made out, it will, I think, show that the proprietors of San Thomé, not satisfied with obtaining a number of slaves, under the designation of "libertos," organized a system which they carried into effect for the procuring of a not inconsiderable number under the guise of seamen.

The rest of my conversation with his Excellency was of a general character. He

told me that among the prisoners he had brought from Mossamedes was Rocho; and on my taking leave he addressed me in the following words:—"If I can lay my hand on a slave-trader, there will never be another: ficará escangalhado."

Inclosure 1 in No. 33.

The Governor-General of the Province of Angola to Her Majesty's Commissioner.

(Translation.)

Sir,

Palace of the Government in Loanda, March 13, 1866.

I DEEM it my duty to communicate to you that I have just taken charge of the Government of this province, to which I was nominated by Decree of the 23rd August last past.

It is unnecessary for me to say that I hope with entire confidence that the good and amicable relations which existed between yourself and my predecessor will continue unaltered between us, as well as the greatest loyalty and mutual good understanding, as is required for the interests of our two Governments, and which is so necessary for the proper conduct of all business.

My particular attention will be given (as doubtless that of my predecessor was) to the total extinction of the illegal and infamous Traffic in Slaves, being as it is an affair to which the Government of His Most Faithful Majesty is seriously and decidedly pledged on every account, and to which I, who have already given unequivocal proofs of how much I detest so inhuman a Traffic, as their Representative in like manner also am pledged.

I need not, therefore, assure you that not on this subject only, but on every other on which it may be necessary to address yourself to this Government you will always meet with the greatest frankness, assistance, and loyal reception, compatible with the principles of our respective laws, and which is due to the worthy Representative of the most ancient and faithful ally of the Portuguese nation.

God preserve, &c.

(Signed)

FRANCISCO ANTONIO G. CARDOSO.

Inclosure 2 in No. 33.

Her Majesty's Commissioner to the Governor-General of the Province of Angola.

(Extract.)

Loanda, March 14, 1866.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch dated yesterday, in which your Excellency deigns to inform me that you had assumed the Government of this province, to which you had been appointed by Decree of the 23rd August last.

Your Excellency also informs me that the Government of His Most Faithful Majesty is seriously and decidedly determined to put an end to the illicit and infamous Traffic in Slaves, and your Excellency refers to the proofs you have already given of your abhorrence of that inhuman Trade, and is pleased to assure me that that subject shall receive your special attention: such an assurance I pray your Excellency to believe was in no way necessary. The energy and zeal evinced by your Excellency when Chief of the naval station on this coast are not unknown either to the Government of Her Majesty the Queen or to myself, and I feel satisfied that your Excellency will not relax your efforts and vigilance in the exalted position which your Excellency at present occupies; but I much fear that your Excellency will not receive that assistance and support which should be afforded you. The honour of your Excellency's esteemed and worthy predecessor, Senhor José Baptista d'Andrade, was beyond all doubt, his good faith above all suspicion; nevertheless during his administration the Slave Trade was revived on the coast of Benguela on a most formidable scale, and all his efforts to obtain proofs of guilt against the offenders were unavailing. It is useless for the superior authorities to be zealous in the execution of their duties, and faithful and honest in their endeavours to fulfil the engagements and obligations of their Government, if they are checked and thwarted by their subordinates, for it is an insult to our understandings to suggest that the authorities on the coast of Benguela were ignorant of the vast slave-trading operations that were carried on under their eyes.

On the retirement of Major Gamitto, the Slave Trade in the district of Benguela appears for a time to have ceased, and it was not without surprise that I learnt from the Commander of Her Majesty's ship "Jaseur" that about the month of October a brig and a palhabote had shipped cargoes of slaves in the neighbourhood of Benguela Velha and Novo Redondo. That information was communicated to him by Colonel Costa Leal, the Governor of Mossamedes, and I pray your Excellency to convey to that able and energetic functionary my warmest acknowledgments and thanks for the frank and loyal co-operation that he has at all times afforded to the Commanders of Her Majesty's cruisers and to me. Information subsequently obtained by me leaves no doubt that the brig "Aurora" shipped and conveyed away a cargo of slaves from Benguela Velha or Novo Redondo, and in a despatch addressed to me by the President of the Council I am informed that the Governors of Benguela and Mossamedes had both denounced to the Provisional Government these embarkations.

I feel satisfied your Excellency will not permit the benevolent and humane intentions of our respective Governments to be set at naught with impunity; it is unnecessary, therefore, for me to express a hope that your Excellency will cause a most searching investigation to be made for the purpose of bringing to punishment these audacious violators of the laws of Portugal and the Treaty of 1842.

I beg to tender your Excellency my best thanks for the benevolent terms in which your despatch concludes, and I feel assured that the amicable relations will be preserved which fortunately existed between your Excellency's esteemed predecessor and myself.

No. 34.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received May 31.)

(Extract.)

Loanda, April 16, 1866.

I HAVE the honour to inform your Lordship that the Portuguese barque "*Dahomey*" arrived at this port during the night of the 6th instant, under charge of an officer and prize crew, having been detained on the 3rd ultimo at Aghwey by Commander Peile of Her Majesty's ship "*Espoir*," on suspicion of being destined for employment in the Slave Trade.

The "*Dahomey*" was, on her arrival, placed in quarantine for three days, which delayed the meeting of the Mixed Commission until the 13th instant, on which day a preliminary session was held for the purpose of receiving the papers that had been sent by the prize officer to the Secretary, and issuing the monition. The Court will meet again on the 19th instant, on which day the monition is returnable. I obtained but a casual glimpse of the papers, and am at present only in a position to state that the cause alleged for the vessel's detention was having three slaves on board. Another document of considerable importance came under my eye; it purported to be a declaration made by the greater portion of the crew on their passage to this port, and was to the effect that when they left Lisbon they believed the vessel was engaged on a legal voyage, but that after their arrival on the coast, circumstances raised their suspicions that the vessel was to be employed in the Slave Trade. That she had at one time coppers and irons on board, but had landed them when it was found that those intentions could not be carried out, and that she had actually conveyed a number of slaves in irons from Whydah to Aghwey. The case promises to be interesting and important, and will no doubt be hotly disputed as the value of the cargo on board is estimated at 7,000*l.* or 8,000*l.*

No. 35.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received May 31.)

My Lord,

Loanda, April 17, 1866.

WITH reference to that portion of my despatch of the 2nd of the present month which relates to the number of the crew shipped on board the vessels trading to San Thomé, I have the honour to inform your Lordship that the launch "*Dondo*," of which I made particular mention, has returned to this port with the same number of men that she conveyed away. This is due, I am informed, to Senhor Brunachy, the present Governor of San Thomé, who has discountenanced the system of taking negroes from Loanda as seamen and leaving them at San Thomé as labourers.

I have also learnt that the present Captain of the Port has not been found as accommodating as his predecessor in respect to the number of men that were engaged for the navigation of the vessels.

I have much satisfaction in informing your Lordship that the Governor-General has issued a notice that vessels leaving this port are required to bring back the men they take away, otherwise he will exact a rigorous account of the way they have been disposed of.

I think it probable, my Lord, that the last manœuvre to obtain labourers for San Thomé in a fraudulent and illegal manner has been brought to a close.

I have, &c.

(Signed) W. VREDENBURG.

No. 36.

The Earl of Clarendon to Her Majesty's Commissioner.

(Extract.)

Foreign Office, July 4, 1866.

I TRANSMIT herewith, for your information, copies of a correspondence* which has passed between Her Majesty's Government and the Government of Portugal relative to the transport of slaves, under the plea of the r being libertos, from the mainland of Angola to the neighbouring Portuguese Islands.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received August 3.)

(Extract.)

Loanda, June 19, 1866.

AS I have been unable to obtain possession of the papers to enable me to make a detailed report on the case of the Portuguese barque "*Dahomey*," detained by Commander Peile, of Her Majesty's ship "*Espoir*," and tried before the Mixed Commission, I have the honour to transmit to your Lordship translation of the Judgment by which the "*Dahomey*" was declared a bad prize.

Your Lordship will observe that I signed as dissentient, my vote having been given for the condemnation of the vessel. The reasons that led me to the conclusion that the vessel should be condemned are fully set forth in my written opinion, a copy of which is also inclosed, and as that paper contains a succinct history of the case, your Lordship will obtain therefrom a tolerable knowledge of the facts.

I had requested the Secretary to furnish me with certified copies of the written opinion of the Portuguese Commissioner and the Report of the Inspectors. I delayed until the last moment writing this despatch to enable me to forward them to your Lordship. They have this instant been placed in my hands, and I am compelled to send them as I received them, not having time to make a translation.

Your Lordship will observe that the Inspectors found thirty-six empty casks on board the "*Dahomey*," and it was on that question that the difference of opinion arose between the Portuguese Commissioner and myself. No certificate was produced from the Custom-house as required "sixthly" in the IXth Article of the Treaty, either for that number, or for twelve empty casks which an endorsement on the manifest showed had been brought from New York. Neither was any attempt made to prove "by clear and incontestably satisfactory evidence" that they were intended for legal purposes. Such being the case, and considering the clear and specific terms of the last paragraph of Article IX, I could arrive at no other conclusion than that the vessel should be condemned.

The Portuguese Commissioner, on the other hand, was of opinion that the general bond that had been given in Lisbon rendered any special certificate unnecessary, and he appeared also to think that sufficient proof had been given that the ship was engaged in legal trade, and it was unnecessary, therefore, to prove that the casks were intended for legal purposes.

The Governor-General, on whom the lot had fallen to act as Portuguese Arbitrator, voted with the Portuguese Commissioner, and my opinion was overruled.

I have also the honour to inclose copy of the account for compensation presented by the owner. It amounts to the exorbitant sum of 41,631\$315, equal, at the exchange of 4\$500 to the pound sterling, to 9,251l. 8s.

I shall resist the application for damages. Forty-one empty casks were undoubtedly found on board, and the Xth Article of the Treaty amounts, in my opinion, to a positive prohibition to give compensation in the present case.

Should I err in my opinion, the owner of the "*Dahomey*" may experience the inconvenience of delay, but will suffer no loss. On the other hand, should compensation be improperly awarded, I know of no means by which Her Majesty's Government can resist payment.

I have one or two minor objections to the admission of the claim for damages, but the Xth Article of the Treaty is, I apprehend, conclusive.

The papers are now in the hands of the Proctor of the claimant. The question will probably be taken into consideration in a day or two, and by next mail I shall doubtless be enabled to communicate the result to your Lordship.

Inclosure 1 in No. 37.

Judgment of the Court in the case of the Portuguese barque "Dahomey."

(Translation.)

WITH the intervention of the Arbitrator, the Commissioners of the Mixed Commission decide that they release the Portuguese barque "*Dahomey*," of which Pereira and Medeiros are owners, taken at Aghwey on the Mina coast by the Captain of Her Britannic Majesty's ship "*Espoir*," and adjudge the detention and apprehension of her bad, for want of proof to justify them, or to show that the said barque "*Dahomey*" was engaged or intended to engage in the illegal Slave Trade, and also for not shewing that she had on board any of the articles mentioned in Article IX of the Treaty of 3rd July, 1842; on the contrary it having been shewn and proved that at the time she was taken she was engaged in lawful commerce, having on board all the papers required by law and in proper form.

They therefore order that the Portuguese barque "*Dahomey*" be restored to the captain or owner of her, and also all the papers and books belonging to her, which were submitted to be examined by the Commission, and that the captain and crew be released and set at liberty.

Loanda, June 5, 1866.

(Signed)

JOAQUIM GUEDES DE CARVALHO E MENEZES.
W. VREDENBURG (Dissentient).
FRANCISCO ANTONIO GONCALVES CARDOSO.

Inclosure 2 in No. 37.

Opinion of Her Britannic Majesty's Commissioner.

THE difference of opinion which has arisen between my learned colleague and myself respecting the judgment to be pronounced in the case of the Portuguese barque "*Dahomey*," renders it necessary that I should place on record the reasons which have led me to the conclusion that that vessel should be condemned as a good prize to the Crowns of Great Britain and Portugal.

The "*Dahomey*" was laden at New York with a general cargo, consisting principally of rum and a large number of pine planks. She cleared from that port for Lisbon, the object of visiting the latter port having been, as the captain states, for the purpose of entering into the bond which according to the law of Portugal the owners of all vessels trading to the coast of Africa are required to give. At Lisbon she changed the whole of her crew with the exception of the officers and a boy. I am unable to mention the period when the "*Dahomey*" left Lisbon as the record is not in my possession, nor is the date a matter of importance. The first place at which she touched on the African coast was St. George del Mina, there she remained two or three days, and proceeded to Aghwey, which place she reached on the 14th November. She appears to have discharged a portion of her crew there, and left Aghwey, according to the entry in the log-book and the evidence of the mate, on the 5th December, reaching Whydah on the 7th of that month. Between that date and the 3rd March, when she was detained by Her Majesty's ship "*Espoir*," the "*Dahomey*" made, according to the evidence, various voyages to and fro between Whydah, Aghwey, Porto Seguro and other places in its vicinity, respecting which no entry is to be found in the log-book.

The ground alleged by the captor for detaining the vessel was the fact of her having three slaves on board. Commander Peile declares in a written statement presented to the Court, to which he had sworn at Lagos, that he had received information from one of the crew of the "*Espoir*," that the three men referred to had sent to request his interference for the purpose of releasing them from slavery. He further states that at the time when he detained the "*Dahomey*" she was sheeting home her topsails and getting under weigh. I am not called upon to give an opinion whether the fact of three slaves being found working on board a vessel as simple labourers in a port not within the Portuguese territory would be a good ground for condemning that vessel, as the question does not arise in this instance, as the "*Dahomey*" was, when detained, on the point of getting under weigh. I will dismiss in a few words the question of the three alleged slaves. The two of them whom we could examine swore most distinctly that they were free when the "*Dahomey*" was detained, that they were on board of their own free will, and received wages for their labour, no mere matter of suspicion can for an instant weigh against their positive assertions, unless by still more certain and positive evidence, it was shown that the statement they were alleged to have first made was true and the deposition before the Court false. No such evidence was produced, and consequently, the "*Dahomey*" could not be condemned on their account. I need make no particular reference to a document bearing the signature of the "Civil and Military Governor of the Portuguese Establishment of S. João Baptista de Ajuda," there are circumstances connected with that document which will probably be brought to the knowledge of the Government of His Most Faithful Majesty. I do not presume to define how far the power of that functionary may extend, but I may without fear of contradiction assert that neither he nor any other person has authority to set aside the provisions of a solemn Treaty entered into between the Crowns of Great Britain and Portugal.

As the opinion at which I have arrived is in no respect founded on a document which was signed by a number of the crew of the "*Dahomey*" on her passage to this port, I need make no lengthened reference to that paper. The whole of the persons who signed it declared that they had not been made acquainted with its contents. Two of them at any rate understood English, the seaman Francisco José and the cooper; according to the sworn statement of the captor the latter had made to him personally without the aid of an interpreter certain disclosures respecting the vessel. It may be consistent with the truth, that the crew knew perfectly well what were the contents of the paper that they were signing, and yet that the contents may be false. It needs no great experience of the world to know that much reliance cannot be placed on the evidence of men taken under the circumstances in which these men were situated. Nevertheless their evidence was tolerably precise and consistent, and had there existed no other reasons for condemning the "*Dahomey*" beyond the existence and contents of that paper, she most assuredly must have been released.

The Court making use of the authority with which it is invested, and with a laudable desire to arrive at a full knowledge of all the facts, ordered an inspection of the vessel, and the report of the inspectors was presented in due course. By that report it appeared that there were thirty-six empty casks on board. The existence also on board of two iron tanks capable of holding a large quantity of water, and a number of ordinary water casks, is established in the record. A difference of opinion arose between the inspectors as to the state in which the casks were found, an English officer, who acted as inspector, declaring that they were all clean and in a fit condition to receive water, two Portuguese officers, one of whom acted as umpire, on the other hand declaring that the greater number had already contained oil, the inspection appears to have been very carelessly made, and such an expression as "the greater number" ought not to have appeared in a report. The exact number that were said to have contained oil should have been stated. The Court was deprived of the means of obtaining more satisfactory and precise information, in consequence of the hatches having been carelessly left open and unsealed. However as the Treaty contains the word "liquids" as well as water, my argument will not be affected by that circumstance.

In considering the question of the casks I shall carefully exclude from my mind as from this paper, all that I may think or believe or may have heard. I will not leave the solid ground of fact, for the airy regions of fancy or imagination. I have two documents to consider, the record, and the Treaty between Great Britain and Portugal. I must obtain my information from the former, and from that alone, and apply to it the provisions of the latter, and as I have not to deal with conflicting evidence but with a simple question of fact, respecting which there is no dispute, and as the terms of the Treaty applicable thereto are exceedingly clear and precise, I cannot, as I conceive, well err in my conclusions.

Reference to the manifest given to the "*Dahomey*" in New York will show a certificate from the Portuguese Consul-General in that city in which it is stated that twelve of the casks said to contain rum, were empty. All the evidence shows that the ship left Lisbon with the same cargo that she had brought from New York, those twelve casks were consequently still on board. Where is the "certificate from the Custom-house at the place from which he (the master) cleared outwards, stating that sufficient security had been given by the owners of such vessel, that such extra quantity of casks, or of other vessels should only be used for the reception of palm oil, or for other lawful commerce?" No such certificate has ever been shown to the Court. There is a certificate that the usual bond had been signed, that the ship would not be employed in Slave Trade, but that bond relates solely to the ship: by the law of Portugal no vessel can sail for the Coast of Africa without giving such a bond. We are guided by the Treaty and not by the laws of Portugal or Great Britain. What I have not seen is a certificate from the Custom-house that a special bond had been given for those particular casks, as is required by the IXth Article of the Treaty. But the inspectors found thirty-six empty casks on board: whether the empty casks that the "*Dahomey*" brought from New York were among that number, we have at present no means of knowing, nor is it of the slightest consequence whether they were or not; it is sufficient that by the last paragraph of Article IX, the casks having been found on board are to be "considered as *prima facie* evidence of the actual employment of the vessel in the transport of negroes or others for the purpose of consigning them to slavery, and the vessel shall thereupon be condemned, and shall be declared lawful prize." The Treaty properly and considerably permits an explanation as to the cause of their being on board, but the language used is very strong, the proofs exacted must be "clear and incontestably satisfactory," and that the vessel and "such of the several things above-mentioned, as were found on board of her at the time of her detention, . . . were needed for legal purposes on that particular voyage." Where shall we look for the proofs "clear and incontestably satisfactory" required by the Treaty? No such proofs, no proofs of any nature or description whatever, were submitted to the Court; the presence of the casks on board was even concealed from the Court and their existence denied by implication. The captain of the "*Dahomey*" stated in his evidence that there were about ten or twelve empty casks on board, and the boatswain said there were about six. Now we have the clear bare fact of thirty-six empty casks being on board the "*Dahomey*," and not a tittle of proof has been even offered that they were intended for licit purposes; on the contrary, their existence was concealed or denied. We have also the clear, strong, intelligent language of the Treaty telling us how we are to act under such circumstances, and we have also the terms of our oaths, that we will act in all our decisions in pursuance of the stipulations of the Treaty. Have we power or authority to vary or alter these stipulations? For my part, speaking for myself alone, I do not think that I have. It is very satisfactory to me, differing as I do on this question from my Portuguese colleague, to be able to produce from the archives of the Mixed Commission an important case in support of my views.

The British brig "*Lady Sale*" was tried and condemned for a violation of the IXth Article of the Treaty. No attempt was made to show that she was engaged in the Slave Trade beyond what is implied in the last paragraph of that Article. I commend most particularly to the consideration of my most excellent colleagues the written opinion of the Portuguese Commissioner in that case; it will be seen how carefully he avoids stating that he condemned the "*Lady Sale*" for slave-trading, but on the contrary declares in the strongest language "*por estes motivos e só por ellos*" (for these reasons and for these alone) that he condemned the vessel, because satisfactory proofs had not been given that the prohibited articles found on board were intended for licit trade. The case of the "*Lady Sale*" differs from the present one inasmuch as the claimants did present certain proofs although they were not considered sufficient or satisfactory. In the case of the "*Dahomey*" no proofs of any nature or description whatever were presented to the Court. If a vessel is condemned because the proofs are not considered satisfactory, how are we to act in a case where no proofs whatever are submitted for the consideration of the Court? If the proofs presented in the case of the "*Lady Sale*" were not considered satisfactory by the Portuguese Commissioner he had, as I interpret the Treaty, no alternative or choice, but was compelled to apply the penalty, and condemn the vessel. A difference of opinion also arose in that case between the British and Portuguese Commissioners, but it was as to the sufficiency of the proofs, there never was a doubt that she had brought herself within the grip of the IXth Article of the Treaty. I most urgently request the attention of my colleagues to the case of the "*Lady Sale*," and particularly to the opinion of the Portuguese Commissioner and the judgment. Another British vessel was also tried by this Mixed Commission "*The Lady of the Lake*" and released. If the captain in that case had contented himself with saying that he did not intend to ship slaves, and could not ship them if he wished, for the reasons that there were none near Great Fish Bay where he was detained, he would inevitably have been condemned, but he gave the most satisfactory proofs that he was engaged in the whale fishery, and that the large quantity of water on board was intended for his crew, and the cauldrons for boiling the oil, and that he had violated the Treaty from ignorance and not from design. In both the above cited cases, proofs of some nature or kind were submitted to the Court. In the present case, as I have more than once remarked, there is a total absence of even an attempt at proof.

As I have at considerable length stated the motives which had led me to the conclusion that the "*Dahomey*" should be condemned as a good prize, I need not enter on questions more particularly connected with the ship and her voyage. I will merely allude to two documents presented by the claimant signed by various individuals at Whydah and Aghwey. Those documents contain a mere expression of opinion, but have no legal value or character whatever. The only evidence that the Court can receive must be taken on oath; we can, therefore, judiciously give no consideration whatever to those documents. As I have official knowledge of the character, occupation, and antecedents of many of the persons whose names are affixed to those papers they are in every respect worthless in my eyes.

For the reasons above given, I consider the barque "*Dahomey*" legitimately captured for having violated the IXth Article of the Treaty of the 3rd July, 1842, celebrated between Great Britain and Portugal for the complete suppression of the inhuman Slave Trade.

And as the claimants have not produced any certificate or other document to authorize or legalize the presence of the thirty-six empty casks found on board, nor shown by clear and incontestable proofs, nor by proofs of any nature or description whatever that the said thirty-six empty casks were needed for "legal purposes in that particular voyage."

I consider that the barque "*Dahomey*" should be condemned as a good prize with her cargo and other objects on board.

Loanda, June 5, 1866.

(Signed)

W. VREDENBURG.

Inclosure 3 in No. 37.

Opinion of the Portuguese Commissioner in the case of the detained barque "Dahomey."

(Translation.)

HAVING in my character of Commissioner on the part of Portugal in the Mixed Commission established in this city, according to the Treaty between Portugal and Great Britain of 3rd July, 1842, differed from the British Commissioner in regard to the proceedings and judgment in the case of the Portuguese barque "*Dahomey*," I proceed to explain in writing the reasons which have induced me to vote, as I do vote, for the acquittal of the said barque, and the invalidity of the capture; saving the respect and consideration due to the contrary opinion of the British Commissioner.

On the 13th of April, 1866, there were transmitted to the Mixed Commission various papers sealed up, and books, belonging to the Portuguese barque "*Dahomey*," captured at Agué (Corta da Mina), on the 3rd of March of the same year, by the Commander of Her Britannic Majesty's war-steamer "*Espoir*;" and they were accompanied by a statement from the aforesaid Commander, declaring the reasons which induced him to make the capture, and the state in which he found the barque when he did so.

The captor declares in his statement that he found three negro slaves on board, and that on putting various questions to them, they answered through the interpreter, the negro Tappa, all that formally appears in his aforesaid statement, and that having put some questions to the captain, he told him that he had resolved to detain him because he had slaves on board who were British subjects; and that after that declaration he ordered search to be made, the result of which appears in the said statement; and the captor further declares that he made an entry in the log-book of the barque, that the vessel was detained for having slaves on board.

On examining the log-book it appears that that single declaration was made there, and therefore it ought to be considered as the sole and exclusive reason which led him to make the capture: firstly, because he declared that he had resolved to detain the ship for having slaves on board, and this before ordering search to be made; secondly, that after this search, he even then declared only that he detained the ship for having those slaves, and he mentioned no other reason, nor did he say that any of the signs specified in Article IX of the Treaty had been found in the barque to induce him to make the detention, and he merely says that he could not make a minute search of the ship, which he trusted to Mr. Hodges, to whom also he gave the command of the prize, but it is still further shown that the finding the three slaves on board was the only reason for the capture, for this is the only reason which he declares to the captain in the certificate which he delivered to him, which is appended No. 55.

The captor further declares that on asking for the ship's papers they were brought to him by the captain, but he did not understand them because they were all in Portuguese, and for the same reason he did not sign a paper presented to him by the captain, thinking it was a protest.

The first duty of a cruiser, after presenting to the commander of a ship that is to be visited, the document by which he is duly authorized to order search, is to give the certificates in the form specified in Article II, § 3, of the Treaty of 3rd July, 1842; to make a minute examination of the vessel, in order that, if it appears from the search and the papers that the latter are in due form and that the ship is engaged in lawful commerce, she may be left at liberty to pursue her voyage, and thus to avoid complaints, disputes, and hindrances to lawful trade which the two contracting parties desire to promote and protect. Article II, § 3, of the aforesaid Treaty and additional Article to the same.

But if we inquire how far the capturing Commander complied with the directions in Article II, § 3, of the Treaty of 3rd July, 1842, we find that the said cruiser did not make the visitation in due form, for he declares that there was no minute search, nor does he point out any of the signs specified in Article IX, or that any of those signs induced him to make the capture. He did not examine the papers of the vessel, for he declares that he did not understand them, because they were written in Portuguese. He did not sign, nor accept that paper which he says was offered to him by the captain, and in which there might have been statements showing the justice or injustice of the detention, as being statements signed by the captain.

On examining the papers of the vessel they are found to be in due form, and according to Article XII, cap. 4, of the Decree of 8th July, 1863, and the Decree of 10th December, 1836.

The Royal passport and the register of ownership show that the Portuguese barque "*Dahomey*" is the property of Pereira and Medeiros and Captain José Augusto da Fonseca.

The matriculation and the roll of the crew show that it was assembled in the marine intendency of the captainship of the port of Lisbon, for a voyage from that port to Costa da Mina.

The log-book and the evidence of the crew, show that it is the same as was matriculated, and that the barque had not deviated from the course of her destination.

The certificate of clearance from the Custom-house at Lisbon (annexed), shows that the captain of the barque had satisfied all the requirements of the law, before leaving that port for Costa da Mina.

The manifest of the cargo shows that the barque was laden with casks of brandy, tobacco, and the rest of the articles included in the manifest, with the number of casks described and authorised.

Finally, the certificates 16 and 17 show that the captain of the barque "*Dahomey*" gave a generic security that neither he nor the ship under his command should engage in the Slave Trade, subjecting himself and his securities to the penalties of the law. It is therefore shown that it was not the want of ship's papers, nor their irregularity, that induced the captor to make the capture.

It is shown that there were none of the signs described in Article IX of the Treaty, for the searching of the barque was subsequent to the detention; and even in this subsequent search these signs are not pointed out, nor is it stated that they were met with, or that even if they had been met with (which they were not) was the proceeding according to the form appointed in section 10 Article IX of the Treaty, in order to ascertain whether they were necessary for lawful purposes in that particular voyage.

It is therefore clear that the principal and only reason which induced the captor to detain the vessel was that which appears in his statement in the log-book of the barque, and the certificate given by him to the captain; because if there had been any other, it ought to have been declared not only in the log-book of the barque, but also on the certificate delivered to the detained captain.

But the reason there stated is, that 3 slaves were found on board; this, therefore, is the point of accusation, and upon this the defence is made. All besides this is *ex officio* and extemporaneous.

I proceed, therefore, to examine this reason, and how far it justifies the seizure that was made.

The captor states that he detained the ship (the barque "*Dahomey*") because he found 3 negroes on board, and that he knew them to be slaves from their own declarations, which were repeated to him, the captor, by a negro, by name Tappa, serving in the ship under his command, and who was the interpreter. These are the declarations which appear in the statement of the captor; but when these negroes were examined before the

Commission, although said to be slaves on the part of the captor, in their own evidence they declare that they are free; that they had engaged of their own free will for the loading and unloading of the barque; that they had wages, which were paid to them on shore; that they wished to return to the barque; that they have not, nor ever had, any fear of there being a desire to reduce them to slavery. And on the declarations being read to them, which it is said they made before the captor, respecting their condition and the things existing in the barque, as given in the statement, they said they were false and calumnious, and that they had never made such declarations; and they even called upon the negro Tappa, who was present in Court, to confirm there what he had said about them.

Thus, then, is destroyed the reason which led the captor to make the seizure, based on the declarations of the negroes, repeated to him by the interpreter Tappa; and this by the declarations of the negroes themselves made before this Court, which tax as false and calumnious those said to have been made to the captor; and their evidence is so precise, so consistent, and so natural, that there can be no doubt that they are free, and that the captor placed but too much reliance on what was repeated to him by his interpreter Tappa, a very suspicious witness, as it was from him that the chief denunciation came in regard to the negroes found on board. And if this be not enough, there is added to the proceedings a declaration signed by seventeen witnesses, who state on oath that these negroes must be free, and which agrees with the declaration made by them. But as there was no difference of opinion between the Commissioners as to the invalidity of this reason, I shall not stop any longer to analyse it.

Here, perhaps, the case ought to have ended, for as the reason adduced by the captor, that of his having found 3 slaves on board had been duly inquired into by the Commission, which had examined the papers of the barque, and had heard the captain of the prize on the sole point of accusation implicating the seizure, and was, therefore, in a position to determine whether the captor had, or had not, any plausible motive which might justify the detention he had made, for the sole reason given by him.

Other circumstances besides this might justify the condemnation, if they were met with by the Commission *ex officio*, but they could not justify the act of the captor, done for the sole reason he had given; but there having been submitted to this Court, on the part of him who had charge of the prize, a paper written in English, and signed by the seamen forming the crew of the barque, and in which there were statements which, if true, might cause the condemnation of the vessel, the Commission was obliged to go on with the inquiry respecting them. Those who had signed being therefore examined on oath, they declared those statements to be false and calumnious, for they had never made them, and such statements were not what they were told was written in the paper which they signed in good faith, but really as they had uniformly and consistently stated in their evidence.

I will not enter into any analysis of the validity of this document! I shall not examine into the manner in which it was produced, because there, among the proceedings, is the evidence of the sailors which tells it.

I will only say that in this document also, the negro Tappa figures as interpreter, and that having been demolished as it was by the statements and oath of those who signed it, it cannot serve to prove the validity of the capture, and in regard to this the British Commissioner was of the same opinion.

The proceedings being closed, and as it were on the point of judgment, the captor's counsel required that there should be an inspection of the barque.

The Court deferring to his requisition ordered that an inspection should be made according to the form annexed, in order to do away with any pretence of want of diligence in any of the examinations on one side or the other.

It is to this inspection which was made that the British Commissioner goes to find the reasons which made him vote for the condemnation and the validity of the prize, and I have therefore to explain this point, because it is that upon which the British Commissioner diverges from my opinion.

Let us examine what is said by the experts who made the inspection. They say in the document annexed that none of the signs described in Article IX, §§ 1, 2, 3, 4, 5, 7, 8, 9, and 10, of the Treaty of 3rd July, 1842, were found in the captured barque: the expert on the part of the captor merely says that he found a beam, which from being out of its place, might serve for the support of a platform, but which he thought was not intended to form a deck, and the expert on the part of the captain of the prize, said that it was out of its place to give more room for the cargo, and that it belonged to the ship, and in this the neutral expert agreed, which was not contested.

In regard to the 6th section, the expert on the part of the captor declared that he considered the number of thirty-six empty casks extraordinary, that they might serve to receive palm oil or some other liquid; the expert on the part of the captured captain and the neutral expert having declared that they were prepared for receiving palm oil, and that they showed that they had already served for that purpose, it appeared that they were not all of the same size, and that the largest would hold at most 150 gallons.

Now, will this number of casks which the experts declared to have been prepared to receive palm oil and to have served already for that purpose, be a sufficient ground for adjudging the capture valid? I think not, and most especially when it is seen by the papers that the total number of casks found on board by him who had charge of the prize, and which he mentions in his statement, is much less than the number of casks in the manifest, and legalised thereby; and the more so as in that same manifest twelve empties are mentioned, and the remainder might be, it must even be concluded that they were, such as had been emptied by the consumption of water on the voyage or by any other cause; moreover, because from the legal papers of the ship, from the large cargo of palm oil, spirituous liquors, and tobacco, from the bills of lading of the cargo of that oil put on board, which were sent through third parties to be delivered in England, from the declarations on oath signed by twenty persons that the barque neither had the signs, nor was engaged in contraband trade, and these persons belonging to various commercial houses established at Corta da Mina, and to different civilised nations, it must appear that the ship had no intention of deviating from the lawful trade for which her legalised papers show that she was intended.

Even if it be admitted that those casks found on board are included in No. 6 of Article IX, we have to observe the direction of Article X of the same Treaty, and ascertain if they were necessary there for lawful purposes on that voyage, and I consider that lawful purpose proved, not by the declarations of the detained captain who was not heard on this point of accusation, nor was any question put to him about it, because it arose at the end of the proceedings, and indeed after they had been seen by the counsel of the parties, but by the more unsuspected declarations of the experts who are not interested parties, and by the lawful trade for which the barque was intended, and which necessarily required those casks on board. The direction in Article X applies when the security mentioned in Article VI is wanting; but that security exists, and if it is not special for that Article it exists generally as is seen in Nos. 16 and 17, and it includes not only that Article, but all those of the Treaty, for what includes all includes a part; and if it were not so, if that general security given by the captain of the barque that neither he nor the barque under his command should be employed in the Slave Trade, does not include No. 6 of Article II [6] and the barque were condemned on this pretext, the security being adjudged null and of no effect in regard to this Article, we should fall into the absurdity that when the barque were condemned for that simple

default, for the certificate of security not including it, we could not claim responsibility either from the captain or from his securities, for they would say, you have said that the security says nothing in regard to No. 6 of Article IX, and therefore we are not responsible for the security we gave, this is according to your own decision.

What is the object of the Treaty, and which is expressly declared in the additional Article to that Treaty?

Let us see what this Article says, it says: "As the object of this Treaty and of the three Annexes which form part of it, is no other than to prevent the Slave Trade without injuring the respective commercial navigation of the two nations, and as that fraudulent trade is carried on from the Coast of Africa where the Crown of Portugal also has extensive possessions in which a lawful trade is carried on, which, in accordance with the spirit of this Treaty, it is important to promote and protect," &c.

From this it appears that the object of the Treaty while it is to prevent the abominable Slave Trade, which, besides being immoral, is most prejudicial to the interests of the African Colonies, is also to protect and promote the lawful trade in the reciprocal interests of the two allied nations.

But that protection would vanish if a capture be made for any reason wanting in justice, wanting in proof, and in regard to which all possible researches had not been made on the part of the capturers in the manner directed in No. 10 of Article IX of the Treaty, because if even the reason which induced the captor to make the capture be adjudged by the Court wanting in justice and wanting in proof, there cannot fail to be great hindrance to lawful commerce from the disturbance, expense, deterioration of goods, and costs occasioned by any capture that is made. This is why the captor has the power of examining the papers of the ship, to see whether they are in legal form. This is why the captor has the power of searching the ship which he visits to ascertain whether it has in it the things mentioned in Article IX of the Treaty, and, though those things should be found, to observe the directions of Article II, § 3, and Article IX, § 10, of the Treaty of 3rd July, 1842.

It is our duty to inquire whether the casks found on board were necessary for lawful purposes.

If we seek for those proofs in the ship's papers and the manifest of the cargo, we shall see that the ship having got a cargo of spirits and tobacco at New York, went to Lisbon, legalised the cargo there, and proceeded on her voyage to Costa da Mina the place of her destination, and that the total number of casks found in the captured barque is even less than what was legalised and put in the manifest, and the manifest also mentions twelve empty casks, thus diminishing the number of thirty-six which were found; and if we consider that the barque had on board a crew of fourteen men, four negro servants, and the English guard of fourteen men, who must have consumed a quantity of water from the capture on the 3rd of March to the 19th of May when the inspection was made, we cannot fail to perceive that there must necessarily be many empty casks which had contained the water used.

Proceeding still further with the proofs of the documents, it is seen that the barque had on board a large cargo of lawful articles, so that even the captor declares he was not able to make a minute search, and that the cargo being for the most part palm oil, the captain was responsible for the bills of lading given by him in favour of various commercial houses established at Costa da Mina, and which had been sent to England.

Further, it is seen that both the barque and the cargo were insured.

Further, it is seen that twenty merchants belonging to commercial houses established at Costa da Mina, and of various civilised nations, signed a document affirming on oath, that the captured barque was not engaged in contraband trade, and had no signs of being so.

Is it credible then that the captured barque was intended for the Slave Trade? when there are so many proofs to the contrary, unless there is some other proof which leads to the belief that the ship had engaged in that trade, besides that which is brought forward as such? Certainly not.

What do the experts tell us in the inspection which they made? They are competent men, being all naval officers; they tell us that the empty casks found on board were prepared to receive palm oil, and that they had already served for that purpose! Now when the experts declare and demonstrate that the casks found were for lawful trade, as the shipping of palm oil is, thus justifying their being there, ought we to interpret so literally, and against all the rules of judicial hermeneutics, the 6th section of Article IX of the Treaty, in opposition to Article II, § 3, and the additional Article to the same Treaty? Far from protecting lawful commerce by this, we should completely annihilate it to the serious injury of the commerce of the two allied nations.

These reasons would be sufficient to induce me to vote for the invalidity of the capture, but to strengthen my opinion still more, I find among the documents a general certificate of security that the barque "*Dahomey*" should not be employed in the Slave Trade, and this security by the general manner in which it is given includes not only No. 6, but all the Nos. of Article IX, and who gives security for the whole gives security for a part.

What, because No. 6 of Article IX mentions a security for empty casks, can it be pretended that the generic security given for the same purpose as this No. had in view, was not provided for and included in that general security? It was the absurdity that what contains all does not contain a part.

It was that we, judging that the security given was of no avail in regard to that number, because it was not included therein, would not be able to claim responsibility from the captain and the securities if the barque were condemned for this deficiency, solely and on the ground that the generic security did not include it.

It was that we should separate the two allied nations in the purpose which both have in view, the suppression of the Slave Trade and the protection of lawful commerce.

It was the absurdity that when that security was given and required by the Portuguese Government, it was for purposes particular to the Portuguese nation, and not for the purpose which the No. 6 had in view.

For, what is the purpose of No. 6 of Article II? It is to prevent the objects mentioned therein being employed in the Slave Trade.

What is the purpose of the security given? It is that the ship shall not be employed in that Slave Trade; so that the purpose being the same, it is now seen that the security given as it was so positively and so generically, comprehends No. 6 of Article II, and also includes all the other numbers.

Considering, therefore, that the reasons which induced the captor to make the capture, are found to be without foundation and have been destroyed, as it was the finding three negroes on board, who prove not to have been slaves, but there in the service of the barque with the licence of the Governor of Ajudá;

Considering that the document presented by him who had charge of the prize has neither foundation nor validity;

Considering that on these two points of accusation, the British Commissioner was of the same opinion in regard to adjudging them invalid and not proved;

Considering that the captured barque "*Dahomey*" has her legal papers in due form;

Considering that it is shown by the documents, the depositions of witnesses, examinations, various attestations, bills of lading of the shipment of palm oil, insurance of the barque and of her cargo, that the barque was not employed, and was never intended to be employed in the unlawful Slave Trade;

Considering that the barque, having arrived at her destination (Costa da Mina) in November, 1865, had not in the space of five or six months deviated from the lawful trade for which the security was given;

CLASS A.

Considering that the same barque had been visited, both officially and extra-officially by cruisers of the British navy on various occasions, and in the same condition as she was found, and that they saw no reason or circumstance for detaining her ;

Considering that at the inspection which was made in this port, none of the signs described in Article IX of the Treaty were found ;

Considering that the finding of thirty-six empty casks was justified not only by the total number of casks found being less than that authorized by the manifest ;

Considering that the want of the security specified in No. 6 of Article IX, is made up for and obviated by the generic security given at the Lisbon Custom-house, and that the said No. 6 cannot be interpreted so restrictedly as not to be included in the general security, the object of which is the same ;

Considering that it is not proved or shown that the Portuguese barque "*Dahomey*" had been employed, or was intended to be employed in the unlawful Slave Trade, but that it is proved and shown that she was employed in lawful trade ;

Bearing in mind the provisions of Article IX, § 10, and the additional Article of the Treaty of 3rd July, 1842, and that the object of the Treaty is no other than to prevent the Slave Trade, without injury to the respective mercantile navigation of the two allied nations, which is to be encouraged and protected ; and that if any specious motive were sufficient to obstruct lawful navigation, not only would it be contrary to the purpose of the aforesaid Treaty, but it would drive lawful trade from the Coasts of Africa, to the serious injury of the two nations connected by commercial Treaties for a long space of time ;

On all these grounds and the rest of which appear in the documents, I am of opinion that the Portuguese barque "*Dahomey*," captured at Agué on the 3rd of March, 1866, by the Commander of Her Britannic Majesty's war-steamer "*Espoir*," ought to be adjudged no prize, and her detention irregular and invalid ; and that the said barque should be delivered up to the captain or owner thereof, with all the papers, books, and boxes belonging thereto transmitted to the Commission, that the captain and crew be released from custody and set at liberty.

Bearing in mind, further, the provision in Article II of Annex B to the Treaty, I am of opinion that the captor ought to be condemned to pay all the expenses which he has occasioned, and that in his default they should be paid by the Government to which the cruiser belongs, and as the amount to be paid to the interpreter for his services is included in those expenses, I am also of opinion that 30*l.* should be awarded to him, to be paid in the same way.

Hearing now of the protest made by the owner of the barque (annexed), I reserve the right of giving my opinion on that protest, if in accordance with the provision of Article VII of the Annex B.

Loanda, June 5, 1866.

(Signed)

JOAQUIM GUEDES DE CARVALHO E MENEZES,
Commissioner for Portugal.

Inclosure 4 in No. 37.

Report of Inspection.

(Translation.)

IN the year of our Lord Jesus Christ, 1866, on the 19th day of the month of May of the said year, in this port of Loanda, on board the detained barque "*Dahomey*," where I, Pedro Raphael de Carvalho, have come, by order of the Portuguese and British Mixed Commission, in order to draw up this present report of the inspection about to be made of the said barque ; here present the appointed and sworn experts, J. Fisher, Master in the British navy, and Miguel Maximiniano da Cunha, and Raymunds d'Assumpção dos Santos, First Lieutenants in the Portuguese Navy, they proceeded to a close examination of the aforesaid barque, after which they gave their declarations in the following form, and with reference to Article IX and its sections, of the Treaty of the 3rd of July, 1842.

With regard to the first section, the experts declared unanimously that the hatches were regular and had neither gratings nor anything else that was a sign of unlawful trade.

With regard to the second section, the experts also declared unanimously, that they did not find either in the hold or on deck a greater number of partitions or divisions than was necessary for vessels employed in lawful trade.

With regard to the third section, the expert, J. Fisher, declared that he did not find spare planks prepared for forming another deck or decks for slaves, he only found a beam out of its place, which, however, he did not think was intended to put up a deck with.

The expert Senhor Cunha declared that he was of the same opinion in regard to the first part of Mr. Fisher's declaration, but not in regard to the second, because he, the expert Senhor Cunha, recognized the beam referred to as one of those belonging to the ship, and that it had been removed for the better stowage of the casks of oil.

Then the expert Senhor Santos declared, as neutral, that he agreed with Senhor Cunha in his opinion.

With regard to the fourth section, the experts declared unanimously that they had not found fetters, manacles, or handcuffs on board the barque.

With regard to the fifth section, the experts declared that there was not a larger quantity of water on board in casks or tanks, than was necessary for the consumption of the crew.

With regard to the sixth section, the expert, Mr. Fisher, declared that besides the casks that were found with tobacco, spirits, and palm oil, there were on board thirty-six empty casks (pipes and tuns), which might serve to receive palm oil, or any other liquid, I say to receive palm oil, water, or any other liquid.

The expert, Senhor Cunha, declared that the aforesaid six and thirty casks were, for the most part, in such a condition as to show that they had already held palm oil, and it appeared to him that they could only be intended to receive palm oil.

The neutral expert, Senhor Santos, was of the same opinion as the expert Senhor Cunha in regard to the aforesaid casks.

With regard to the seventh, the experts were unanimously of opinion that they had not found on board more tubs, bowls, or vessels for mess, than were necessary for the crew.

With regard to the eighth, they declared unanimously that they had not found boilers or other cooking apparatus of extraordinary size, or calculated to become larger than was necessary for the use of the crew of the detained barque.

With regard to the ninth section, the experts unanimously declared that there was not on board an extraordinary quantity of the provisions mentioned in the aforesaid section 9, only a larger quantity of salt than was necessary for the consumption of the crew ; Senhor Cunha declared, however, that he did not find the said

quantity of salt extraordinary, considering the voyage which the vessel had made, and that which it still had to make, and also from the circumstance that the greater part was melted.

The neutral expert was of the same opinion as the expert, Senhor Cunha, with regard to the salt.

With regard to the tenth, the experts were unanimously of opinion that there were no mats or matting on board, nor anything connected therewith.

The expert, Mr. Fisher, in ratifying his declaration respecting the third section, said that the beam to which he had referred as having been seen out of its place, might serve for the beam of a platform; and in regard to the casks mentioned at section 6, that the quantity of empty casks appeared extraordinary to him.

The experts further declared that the thirty-six empty casks, mentioned at section 6, were not all of the same size, and that the largest would hold at most 150 gallons each.

And Senhor Antonio do Nascimento Pereira Sampaio was present all the time in the character of interpreter, having been appointed and sworn by the Court, and through his medium the declarations of the expert, Mr. Fisher, were taken; the Counsel for the prosecution and for the defence were also present.

In witness whereof I, Pedro Raphael de Carvalho, Secretary *ad interim* to the Mixed Portuguese and British Commission, have drawn up the present document, which all the aforesaid have signed, after its having been read to them and found quite correct.

(Signed)

PEDRO RAPHAEL DE CARVALHO, *Secretary ad interim,*
the writer hereof.

JAMES FISHER.

ANTONIO DO NASCIMENTO PEREIRA SAMPAIO.

MIGUEL MAXIMIANO DA CUNHA.

RAYMUNDO D'ASSUMPCAO DOS SANTOS.

GERMANO PEREIRA DE VALLE.

T. R. DA FONSECA.

PEDRO RAPHAEL DE CARVALHO, *Secretary.*

Inclosure 5 in No. 37.

ACCOUNT of Damages to the Portuguese barque "Dahomey."

(Translation.)

	Reis.
Depreciation of the hull, rigging, cloth spoiled, deck destroyed by having the cargo on it for three months	5,000 8000
1 jib-boom, 1 main top-yard, 1 top-mast, which the English burnt for want of firewood on the voyage to Loanda; 1 boat which they set adrift ..	500 000

Damage to the Cargo.

8 bales, 2,000 lbs. each, of Virginia tobacco, exposed on the deck, spoiled by delay in sale; price per lb. 380 reis	6,080 00
For the waste in 200 pipes of oil, from the impossibility of examining them when the hatches were closed, at 6,000 reis per pipe	1,200 000
For the leakage of 32 pipes of spirituous liquors exposed to the weather on deck, being a loss and leakage of 15 pipes, at 76,000 reis each	1,140 000
Boxes of biscuits, also spoiled on deck	80 000

Loss on Insurance.

For the premium on the sum of 60,000\$000, in which the ship and cargo has to be insured again, as the insurance effected by the owners from Costa da Mina to England has become void and of no effect	1,200 000
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Loss of Profits.

For the freight which the barque would have earned during the time of detention	5,000 000
For the difference in the price of oil, according to the prices then and now. Document No. 1, 812 <i>l.</i>	3,654 000

Extraordinary Expenses.

Fee to the Counsel for the defence	900 000
Fee to the doctor for his visits on board. Document No. 2	90 000
For the stoppage of trade for the owners during the detention, and until the barque arrived at Agué, which is not less than a third of a year; and besides that, the intermission of the employment of funds for Costa da Mina, if the barque had arrived safely and in time in an English port	5,000 000
Medicines for use on board. (Document No. 3)	9 815

Ordinary Expenses.

For demurrage or indemnification for the ordinary expenses of the barque during the detention, at the rate of the Table of Annex B of the Treaty of July 3, 1842, according to the tonnage of the barque given in the royal passport, 93 days, at 15 <i>l.</i> , or 67,500 reis	6,277 500
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Individual Damages.

For injuries to the claimant from his absence from home and from his business; travelling and other expenses	4,500 000
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41,631 8315

(Signed)

T. J. MEDEIROS,

Partner in the firm of PEREIRA AND MEDEIROS.

Loanda, June 8, 1866.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received September 10.)

My Lord,

Loanda, July 2, 1866.

I HAVE the honour to transmit a Return of vessels that have been tried before the Mixed Commission during the past half-year, on suspicion of being engaged in the Slave Trade.

I have, &c.

(Signed) W. VREDENBURG.

Inclosure in No. 38.

RETURN of Vessels Tried before the Mixed Commission during the half-year ending June 30, 1866.

Name of Vessel.	Mag.	Name of Master.	Date of Seizure.	Where Captured.	Property seized.	Seizor.	Number of Slaves Captured.	Decretal part of Sentence.
Bahomey ...	Portuguese.	Jozé Augusto da Fonseca	1866 March 3	Aghwey ...	Ship and cargo .	Commander Mountford Stephen L. Peile, Her Majesty's ship "Espoir"	None ...	Restored June 5. Claim for compensation still under consideration.
<i>Loanda, June 30, 1866.</i>						(Signed) W. VREDENBURG, Commissioner.		

No. 39.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received September 10.)

(Extract.)

Loanda, July 28, 1866.

WITH reference to my despatch of the 19th June, and the Report of the Inspectors which formed Inclosure No. 5 of that despatch, I have the honour to report to your Lordship the proceedings that have taken place respecting the claim for indemnification preferred by the owner of that vessel.

On the 25th June, the Commissioners met to take those demands into consideration, when a difference of opinion arose between the Portuguese Commissioner and myself. My colleague considered that the owner was entitled to indemnification; I maintained, on the contrary, that he had lost any right he might have possessed in consequence of the captain of the barque having led the captor into error by his declaration respecting the 3 negroes who had been found on board. My decision was based on the following passage in a statement forwarded by Commander Peile, the captor, to which he had sworn before the principal magistrate at Lagos, which had been filed by order of the Court, and the contents of which had never on this point been impugned. The passage referred to was as follows:—

"I then told him I could not let him go to sea, and directed him to clew up his topsails, for I intended to detain him, as he had not only slaves on board, but British subjects; as the slaves he had on board were taken from Lagos. He said they were not bought at Lagos, but at Porto Novo. I then said, 'You know, then, they are slaves?' He answered, 'Yes; they were sent to me by my owners as labourers.' I said, 'I can't help that, they are on board your ship.' He replied that he should have sent them on shore in the canoe alongside before he sailed. I asked the slaves if such was the case, and they said No; they were going to be taken away in the ship; to which the master replied, 'How should slaves know what is going to be done with them?'"

After considerable discussion it was agreed that the question, "whether the owner of the barque had lost his right to indemnification in consequence of the captor having been led into error by the declarations of the captain respecting the negroes found on board at the time of her detention," should be referred to the Arbitrator. I then told the Portuguese Commissioner that I thought the Xth Article of the Treaty, considered in connection with the thirty-six empty casks found on board by the Inspectors, a fatal obstacle to the admission of the claim; but I added that I would give that point further consideration, and expressly reserved my right to present subsequently other objections should the point submitted to the Arbitrator be decided against me.

On the 3rd July we met again in conference with the Governor-General as Acting Portuguese Arbitrator, to consider the question that had been submitted for his opinion. I was, I confess, my Lord, not at all prepared for the principal argument which the Portuguese Commissioner advanced in support of his views. He maintained that the

word "Yes" did not necessarily contain an admission that the men on board were slaves, because it might refer to the words that followed, namely, "that they were sent to me by my owners as labourers." With that opinion the Portuguese Arbitrator expressed his concurrence, and stated that there was not even a comma between the word "Yes" and the words that followed. I showed by the original document that on that point he was mistaken. Admitting, fully as I do, that various interpretations may be given to different words and sentences, I had nevertheless always thought the simple monosyllable "yes" too clear and unambiguous to admit of two interpretations or applications. After such an expression of opinion, it was with but little hope of influencing the decision of my colleagues that I pointed out that the word was spoken in answer to a remark about the captain's knowledge that the men were slaves, and also showed its connection with the previous passage, that "they were not bought at Lagos, but at Porto Novo," and the concluding words, "how should slaves know what is going to be done with them." As I had anticipated, my observations produced no effect whatever: and it was ruled by the vote of the majority, "that the captor had not been led into error by the captain of the '*Dahomey*' in the answers given by the latter to the questions of the former respecting three blacks found on board on the occasion of the capture."

On the 5th July I met the Portuguese Commissioner again in conference, and raised the point that as the inspectors had found thirty-six empty casks on board besides the number that were used for stowing water, and a large iron tank, the Mixed Commission was by the Xth Article of the Treaty expressly prohibited from granting indemnification. Not being able to arrive at an agreement we adjourned till the 7th, when I presented a document of which a copy is inclosed. I endeavoured to state the case as simply as possible, and (as I had done on the occasion of the judgment of the vessel) to raise a single issue for discussion, and that issue I supported in verbal argument to the best of my ability. The Portuguese Commissioner requested to be allowed time to present his observations in writing, and on the 17th July a document, of which a translation is inclosed, was produced by him. The first part is devoted to an intended refutation of my arguments, and to an interpretation of my words "I can neither grant damages, nor consent to their being awarded." The Portuguese Commissioner then proceeded to contend that the Xth Article of the Treaty is not to be interpreted literally, as it would put an end to legal trade, and prevent indemnification being granted under any circumstances. On the two latter points his conclusions are purely fanciful, for indemnification has been granted on many occasions, and legal trade is rapidly on the increase. With regard to his observation that the Article is not to be interpreted literally, I must remark that in drawing up the Xth Article, the most clear, simple, and intelligible words appear to have been purposely chosen, and the introduction of the three words "in any case" ought, I think, to remove any doubt as to the mode of interpretation that might exist on the mind of an impartial person. That Article paraphrased simply amounts to this, that in the event of a certain circumstance occurring, no damages shall in any case be granted, and it would, perhaps, have been better had it ended there, for the concluding words appear somewhat of an anticlimax. If indemnification cannot be granted in "any case," it is difficult to understand how an exception can be made when the circumstances provided against occur, as they unquestionably do in the present case.

Among the considerations presented by the Portuguese Commissioner is the following:—"Considering that the number of casks, empty and full, found on board, is inferior to the whole number legalized by the manifest of the cargo."

I beg to call especially your Lordship's attention to those words as they may, unless explained, leave an erroneous impression on the mind of your Lordship.

The manifest stated that 302 casks of rum were on board, but a note was added by the Portuguese Consul-General in New York to the effect, "that it appeared by the bills of lading that 12 of the casks said to contain rum were empty." It was maintained by the Portuguese Commissioner in his written opinion on the original case, and his opinion was endorsed by the Arbitrator, that because the vessel had 302 full casks of rum on her manifest when she sailed from New York, she was entitled to have that number of empty casks on board here. The above citation is merely a repetition of the same argument; the word "legalizado" would naturally lead to the conclusion that everything connected with the casks was in conformity with law and the Treaty.

The only other point to which I need call your Lordship's attention is the consideration which follows the one I have already quoted. It states that it was decided in conference that the general bond given by the captain of the barque, declaring that neither he nor the vessel under his command would engage in the Slave Trade, embraces the one required by the sixth category of the IXth Article of the Treaty. Such, indeed,

was the opinion of the Portuguese Commissioner and Arbitrator, but I cannot admit that it was decided, nor shall I do so, unless I receive your Lordship's orders to admit as correct the interpretation that they propose to give to the Treaty.

I may here remark, as bearing on some other observations of the Portuguese Commissioner, that I have on all occasions most carefully explained to him that my intention was not to withdraw from the jurisdiction of the Mixed Commission, but to suspend further proceedings until the opinions of our respective Governments was ascertained with respect to the operation and interpretation of the Xth Article.

After reading the document on which I have remarked, the Portuguese Commissioner proposed that the question of indemnification should be referred to the Arbitrator. To that proposal I replied that, as the Mixed Commission had no authority under the Treaty to grant indemnification in the present case, I declined to appeal to the Arbitrator, but referred the point in controversy to the British and Portuguese Governments for their opinions.

The Portuguese Commissioner then proposed that reference should be made to the Arbitrator whether the point should be submitted to the two Governments; that proposal amounted to a reference to the Arbitrator to decide whether we should refer to him. I therefore answered that, having declared my intention to submit the interpretation of the Xth Article of the Treaty to the British and Portuguese Governments, I should decline, until the decision of those Governments was communicated, to refer to the Arbitrator any point relating to the question of indemnification; thereupon the Portuguese Commissioner declared that he should take upon himself the responsibility of submitting the question to the Arbitrator without my concurrence.

I will now, my Lord, proceed to give a summary of the facts which have given rise to this discussion:—

The manifest which the "*Dahomey*" brought from New York contained a note by the Portuguese Consul-General, stating that twelve of the casks said to contain rum were empty. That circumstance was in itself most suspicious; and as the captain was not provided with the certificate required by the sixth category of the IXth Article, his vessel would, I think, have been liable to detention, and probable condemnation, on her arrival on the coast.

The vessel was detained specifically for having 3 slaves on board; that point I will reserve for my general report on the case: but on the inspection ordered by the Court the inspectors found thirty-six empty casks, and on that ground was based my opinion that the vessel should have been condemned; she was, however, released by the vote of the majority. The owner then presented his claim for indemnification, amounting to 9,521*l.* 8*s.*

My first objection was raised on the point that the captor had been led into error by the declarations of the captain of the barque respecting the three negroes found on board. On that question also my opinion was overruled by the vote of the majority.

I then maintained that, as thirty-six empty casks were found on board, the Xth Article of the Treaty came into operation; that the Article in question was strictly prohibitory, and expressly withheld from the Mixed Commission the power and authority to grant compensation in the present case. On that question also my Portuguese colleague differed from me. It then became a matter for my most serious consideration as to how I should proceed. If I consented to refer the question to the Arbitrator, I had but little doubt that his vote would be against me, and Her Majesty's Government would either be compelled to pay a large amount improperly and illegally awarded, or to resist payment on the ground that the Mixed Commission had exceeded the powers conferred on it by the Treaty.

After long and mature reflection, as the vote on the word "yes" and other circumstances, satisfied me that there existed a determination, under any circumstances, to grant indemnification, I determined to take upon myself the responsibility of suspending further proceedings until the opinions of the British and Portuguese Governments was communicated to us, whether the Xth Article of the Treaty is to be considered strictly prohibitory, and whether the Commissioners are competent to grant indemnification in the present case. Acting on that determination, I have declined to refer the question to the Arbitrator, on the ground that, should compensation be granted, we should be assuming powers and jurisdiction not conferred on us by the Treaty, but which, on the contrary, are expressly excepted and withheld.

Inclosure 1 in No. 39.

Opinion of Her Majesty's Commissioner on the question of Indemnification to the barque "Dahomey."

CONSIDERING the Report of Survey by which it is shown that there existed thirty-six empty casks on board the barque "*Dahomey*;"

Considering that the master of the said barque did not "produce a certificate from the Custom-house" at the last place from which he cleared outwards, stating that sufficient security had been given by the owners that such extra quantity of casks should only be used for the reception of palm-oil, or for other purposes of lawful commerce;"

And whereas the Xth Article of the Treaty is prohibitory, and withdraws from the jurisdiction of the Mixed Commission in such a case the authority and power to grant compensation for losses, damages, or expenses consequent upon the detention of the vessel;

For the above considerations I can neither grant damages nor consent to their being awarded.

Hall of Sessions, Loanda, July 7, 1866.

(Signed) W. VREDENBURG.

Inclosure 2 in No. 39.

Opinion of the Portuguese Commissioner on the question of Indemnification to the barque "Dahomey."

(Translation.)

HAVING, in my capacity of Commissioner on the part of His Most Faithful Majesty in this Mixed Commission, to set forth in writing my opinion respecting the indemnity sought and claimed by Francisco José de Medeiros, partner in the firm of Pereira and Medeiros, owners of the barque "*Dahomey*," captured but already released, her detention having been adjudged irregular, I proceed to do so in the following manner:—

Article VII of the Treaty of the 3rd July, 1842, imposes on the Mixed Commissions the obligation to take cognizance of and pass sentence definitively on and without appeal all claims for indemnity on account of losses caused to the vessel and cargoes which may have been detained, according to the stipulations of the said Treaty, and which have not been adjudged good prize by the said Commissioners, &c.

The Portuguese barque "*Dahomey*" was detained and captured by virtue of the stipulations of the Treaty. She was released, and her detention adjudged irregular. The owners of the detained barque have come to claim damages according to Articles V and VII of Annex B.

It becomes, therefore, incumbent on the Mixed Commission to take cognizance of and adjudicate definitively on the claim presented to it.

The terms of Article VII are so positive and definite that neither the Commission nor any of its members can excuse themselves from voting for or against the claim.

The Treaty gives such force to the decisions which are pronounced by the Mixed Commissions in the cases which are submitted to their adjudication according to that Treaty, that merely in Article IX do the two Governments reserve to themselves the right of mutual correspondence for the prevention of such manifest injustice for the future on the part of the Mixed Commissions.

The interpretation given to Article X of the Treaty may cause the Commission or any of its members to adjudge the right to indemnity as lost; but what it cannot do is to lead them to arrive at the conclusion that it is prohibitory, and withdraws from the Mixed Commission the power and authority to judge, award, or refuse to award indemnifications, because this depends on how the conditions under which the vessel was navigating may have been considered, since they may be appreciated in different ways by each of the members; and it is in these cases of difference of opinion, and when this hypothesis really occurs, that the second part of Article IV of Annex B of the Treaty regulates. The Arbitrator should be called in to decide the point on which the two Commissioners disagree. This point may relate either to the condemnation or release, or the compensation which should be granted, or to any other question which may result from the capture or the way of proceeding in the Commission.

If it were not thus there could not possibly be any judgment, because at each step obstacles would be met with if either of the two Commissioners could excuse himself from giving his opinion on any point on which he differed from his colleague, and the Mixed Commission established in this city would be useless, because it would be equivalent to saying "I will not nor will I consent that it be judged," a power which does not belong to the Commission or to any of its members.

It is a general principle of law that the judges who are by the law obliged to hear and adjudicate in certain defined cases cannot refuse to pass sentence on the ground of want of or silence or obscurity in the law, but must have recourse to means of interpretation and equity. When such a case occurs, it is therefore to this expedient of interpretation and equity that we should have recourse.

Whatever interpretation be given to Article X of the Treaty, it cannot serve as a pretext for either of the Commissioners to say that he cannot consent that compensation be awarded. Nor can I conceive that to the verb "consent" the full force of its signification should be given, because the power to appreciate and judge the right that the claimant or owner of the detained vessel may have, cannot be withdrawn or impeded by one judge from the other, because this authority and duty is pointed out by Article VII of Annex B of the Treaty, Article IV, and other Articles; nor can he even prevent the arbitrator being called in to decide when there may be a difference of opinion, because it is thus determined by the second part of Article IV of Annex B.

A judge or tribunal refusing to adjudicate in a case which has been submitted, and is within his or its jurisdiction, amounts to a denial of justice, not only according to the Portuguese Penal Code but also those of all civilized nations.

Far is it from my opinion or imagination that censure can be attached to the Portuguese and British Mixed Commission that it assumes to refuse to decide the damages which are sought from it, as it conceives just and is determined by Article VII of Annex B and other Articles of the Treaty.

I am quite convinced that the expression "nor can I consent that they (damages) be awarded," with which my noble colleague closes his learned opinion, does not really mean this denial of justice of which I have spoken above, as is well seen from the words which precede "I cannot award damages," thus frankly expressing his opinion, voting against awarding them, as he appreciates the claim according to the Treaty and the record.

Nor can one reconcile, still less understand, how it is that voting, as my illusory colleague does, so positively against the damages sought; he should say, at the same time, that he cannot consent that they should be awarded,

if those expressions do not mean the same, that is, that he does not award, nor consents to their being awarded, and that he votes against them.

But having thus and in such a way frankly expressed, in his capacity of Commissioner on behalf of Her Britannic Majesty, his vote against the damages, he destroys the equality and reciprocity of rights, the principal base of the Treaty, because we should understand the noble British Commissioner as saying that he does not consent in the sense of his being opposed to the Commissioner on behalf of His Most Faithful Majesty, expressing likewise and with the same frankness his deliberate and conscientious vote for or against those damages, according to reason and justice, which he may intend to give on the face of the evidence in the record and of the said Treaty.

The British Commissioner then, whom I much respect for his enlightenment and probity, declares that he votes against the damages asked for by the owner of the barque "*Dahomey*," for the reasons which he assigns in his written opinion, and founded on his interpretation of Article X of the Treaty.

I will therefore examine whether this same Article can be interpreted as meaning that the damages sought for ought not to be awarded.

It is absolutely necessary to interpret the law in one of these two cases:—1. When any obscurity or ambiguity or want of expression is found in it; 2. When the sense of the law is clear in the terms but leads us to wrong conclusions and unjust decisions, if it were indiscriminately applied in every respect according to what may appear to be understood by its words. The evidence of the injustice which would result from this apparent meaning obliges us also to judge according to its spirit what extent and limit its meaning should bear.

If we were only to give a literal interpretation to the words of Article X of the Treaty, there never could be any hypothesis to which the terms of Articles IV of the Treaty and V and VII of Annex B of the same Treaty could be applied, going thus in opposition to one of the principal objects of the law, which is the protection of lawful commerce, and, I say, principal object, because, besides being expressed in the said Treaty, it may be understood from the other object also expressed, the suppression of the Slave Trade, for the suppression of this is the protection of the other.

There never could be any indemnification, nor would there be security and protection to lawful commerce, because any vessel which was engaged in the latter would always be subject to the caprice, pleasure, or want of experience of a cruiser; inasmuch as a great number of the articles mentioned in Article IX can form part of legal trade or be necessary for it, nobody would venture to bring them even legalized, because they might say to him, "As you cannot have damages and I cannot suffer any prejudice by taking you, I capture your ship, and you will have to suffer the injury caused by the capture and detention." Thus, instead of protecting lawful commerce, as the two allied nations intend and wish, we should put the greatest impediments and obstacles in its way.

As a conclusion, therefore, of the principles set forth,

Considering that the captor's reason for detaining and capturing the Portuguese barque "*Dahomey*" has been adjudged irregular, and did not justify his capturing her;

Considering that the capture and detention of this barque was very irregularly conducted by the captor in not examining the ship's papers, and also in not proceeding to a search, as was his duty when he captured her;

Considering that the captor was not led into error by the fault of the master of the captured barque, as has been already adjudged and decided by this Commission;

Considering that from the Report of the survey, which was performed in this port months after the capture, and even after sight of the record had been permitted to the parties, the declaration of the surveying officers shows and proves that the thirty-six tuns or casks found on board were intended to hold palm-oil, and that they were ready prepared for this use, it being thus clear and evident that they could not form the grounds for the capture which had taken place months before the survey;

Considering that the captor is obliged by the Treaty to give in his declaration the reasons for making a capture, according to the same Treaty, and in no wise can he make a capture without reasonable grounds, and after the vessel has been brought into port and submitted to trial in Court, come and request a search thereby to ascertain whether there are or not articles for the Slave Trade, when these surveys are only held to ascertain whether or not there exist on board the articles which induced him to make the capture, and mentioned in the captor's declaration; otherwise the whole ship, even with a perfectly legitimate cargo and navigating most lawfully, would be liable to be arbitrarily captured on the high seas as in the present case, since the casks which are spoken of were not the grounds neither directly nor indirectly of this capture; nor found at the time—but other and quite different was the reason, and already adjudged irregular by this Commission; nor can such articles found on board ships anchored in ports justify or legalize in any way a capture made antecedently for other reasons, because the absurdity of having the effect without a cause would occur;

Considering that according to the same survey it is seen and proved that none of the prohibited articles specified in the various paragraphs of Article IX, were found on board the barque above-mentioned, beyond those which it is shown were duly authorized, according to the terms of the Article cited;

Considering that the number of casks empty and full found on board is inferior to the whole number legalized by the manifest of the cargo;

Considering that the certificate of the bond, which the master of the detained barque entered into at the Custom-house, whence he cleared outwards for the Gold Coast, declaring that neither he nor the ship he commanded would engage in the Slave Trade, subjecting himself and his sureties to the penalties of the law, and that the bond is general, embraces No. 6 of Article IX, as has already been decided in conference, and was so adjudged in this Commission;

Considering that by the record and proofs adduced, and the legality of all the ship's papers, it is evident that the captured barque was only engaged in lawful commerce, as was decided by the judgment at F—;

Considering that if no indemnity is awarded for losses caused by an unjust capture, it would be contrary to one of the objects of the Treaty, which is that of protecting legitimate trade;

Considering that so literal an interpretation cannot be given to Article X, as to lead us to conclusions absurd and contrary to the protection of licit commerce, or the possibility of transacting it with some of the lawful articles mentioned in Article IX of Annex B, with serious injury to the colonies, and even to the allied nations;

Considering that the context of Article X should not be appreciated except with the preceding one, to which it refers, and compared with Articles IV of the Treaty, and II, V, and VII of Annex B, of the same Treaty, because the terms of these Articles would be useless, if it is desired to give to Article X a purely literal interpretation, and disconnect it from all its correlatives, contrary to the rules of juridical interpretation;

Considering that whatever interpretation is intended to be given to the cited Article X, the Commission cannot but take cognizance of, and pass judgment definitively, on the claim presented, according to the terms of Article VII of Annex B, or in the manner which Article IV determines when there is an equality of votes;

For all these reasons, I am of opinion that damages should be awarded to the owner of the barque "*Dahomey*," for losses caused by the capture, and which may be judged right at a reasonable valuation.

And this my opinion, being at variance to that of my colleague, the disagreement provided for by the second part of Article IV of Annex B, of the Treaty, occurs, and therefore, according to that Article, the record must be sent to be seen by the Arbitrator, for him to judge as he may deem fit.

Hall of Sessions of the Mixed Commission in Loanda, July 13, 1866.

(Signed) JOAQUIM GUEDES DE CARVALHO E MENEZES.

No. 40.

Lord Stanley to Her Majesty's Commissioner.

Sir, *Foreign Office, September 26, 1866.*

I HAVE received your despatches as marked in the margin* reporting the particulars relating to the case of the Portuguese brig "*Dahomey*," a vessel detained by the Commander of Her Majesty's ship "*Espoir*," and brought for adjudication before the Mixed Commission Court at Loanda on a charge of being engaged in the Slave Trade.

I have now to inform you that after consulting the proper Law Officer of the Crown upon this case, I am of opinion that the "*Dahomey*" could not have been lawfully condemned upon the evidence (with which alone the Court had to deal) produced before the Commissioners.

With reference to the question whether the owners of the "*Dahomey*" were entitled to compensation on account of the detention of their vessel, and the construction of the IXth and Xth Articles of the Treaty of July, 1842, and of the VIIth Article of Annex B to that Treaty, I am of opinion that in the first place, if the captain's statement was admitted as credible evidence, as I understand it to have been, the replies of the master of the "*Dahomey*" to the questions put by the captain with respect to these men, were such as to show in the language of the VIIth Article of Annex B, "that the captain had been led into error by the fault of the master or commander of the detained vessel," and that, therefore, the detained vessel was not, according to the provision of the same Articles entitled to receive compensation for seizure. In the second place, I concur with you in opinion that "the extraordinary number of water-casks, or of other vessels for holding liquid," for which the master did not produce a proper specific certificate, did bring the case under the provisions of the Xth Article of the Treaty, and, therefore, disentitled the owners of the "*Dahomey*" to compensation.

With regard, however, to the course pursued by you in declining to refer to arbitration the consideration whether the owners of the "*Dahomey*" were entitled to compensation, I am of opinion, having regard to the IVth and VIIth Articles of the above mentioned Annex B that you acted wrongly, and that you were not authorized either by the Treaty or by the special circumstances of the case to take that course.

I am, &c.

(Signed) STANLEY.

No. 41.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received October 11.)

My Lord,

Loanda, August 16, 1866.

WITH reference to my despatch of the 28th ultimo, and the written opinion of the Portuguese Commissioner which formed Inclosure No. 2, I have the honour to transmit a copy of a document signed by Mr. Hodges, Second Master of Her Majesty's ship "*Espoir*," bearing date at that place, and on the day of the detention of the barque "*Dahomey*," which contradicts a statement made by the Portuguese Commissioner that the thirty-six empty casks which were shown to have been on board by the report of the inspectors, had not been discovered at the time of the vessel's detention. Mr. Hodges states, as your Lordship will observe, that he had found on searching the vessel twenty-eight empty casks in the hold and eight on deck.

The document in question, a copy of which I was unable to forward by last mail in consequence of the papers being in the possession of the Portuguese Commissioner, had been duly filed on behalf of the captor by order of the Court.

I have, &c.

(Signed) W. VREDENBURG.

* Nos. 37 and 39.

Inclosure in No. 41.

ROUGH LIST of Articles found on board the barque "*Dahomey*."

8 hogsheads of tobacco, on deck.
 30 half-punchons of rum, on deck.
 57 ditto ditto, below.
 200 casks of palm oil, below.
 2 tanks (5 tons), below.
 28 empty casks, below.

8 empty casks, on deck.
 3 water casks, on deck.
 2 cases of bread, on deck.
 6 cases of brass rods, on deck.
 20 bags of salt, on deck.

Dated at Aghwey, this 3rd day of March, 1866.

(Signed)

E. H. HODGES, *Second Master*.

No. 42.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received October 11.)

My Lord,

Loanda, August 20, 1866.

WITH reference to my despatch of the 28th ultimo, I have the honour to transmit a translation of an award made in favour of the owners of the barque "*Dahomey*" by the Portuguese Commissioner and Arbitrator, in my absence and without my concurrence and consent.

I had been invited by the Portuguese Commissioner to attend a meeting to take the claims into consideration, but I declined to do so until the decision of the British and Portuguese Governments was known respecting the interpretation and application of the Xth Article of the Treaty; and I was not aware until after the departure of the last mail that the meeting had been held, and that the Portuguese Commissioner and Arbitrator had assumed the power of making an award without me. I am at a loss to understand where the Portuguese Arbitrator found his authority for taking upon himself the functions of Commissioner as he had done in the present case.

An analysis of the account will show that the amount proposed to be awarded is most unreasonable and exorbitant, and includes many items not mentioned in the 2nd Category of the VIIth Article of Annex B:—

1. For the depreciation of the vessel, &c., 666*l.* 13*s.* 4*d.* are proposed to be awarded.

The vessel is old, had been repaired at New York, and the above sum may be considered about a third of her value.

2. For certain spars burnt on board, 88*l.* 17*s.* 9*d.*

The prize officer mentioned that, having no fuel, they had burnt the spars in question, with the consent of the captain. I have no means of knowing their value.

3. Damage to cargo, *nil*.

In the original account those words appear merely as a heading to the following claims:—

4. Leakage of 200 pipes of oil, 222*l.* 4*s.* 5*d.*

The above is a large per-centage for leakage of 100 to 120 tons of oil.

5. Waste of rum, *nil*.

6. Cases of biscuit, *nil*.

7. Loss on insurance, 266*l.* 13*s.* 4*d.*

The vessel was, I think, insured for 12,000 dollars (2,400*l.*). Taking the value of the cargo at the maximum as 6,000*l.*, the whole value of ship and cargo would be 8,400*l.*; the premium of insurance on additional risks might be $\frac{1}{4}$ or $\frac{1}{2}$ per cent.; but if the ship and cargo were fully re-insured for the voyage to England—which cannot have been the case—at the usual rate of $\frac{1}{4}$ or $\frac{1}{2}$ per cent., the amount of the award should not have exceeded 126*l.*

8. Freight which the barque might have earned during her detention, 666*l.* 13*s.* 4*d.*

In the case of the brig "*Maria*," I had occasion to point out the different interpretations which could be given to the Portuguese words "*vencido ou a vencer*," and the English words "*due and payable*." If I am right in supposing that demurrage is given because the vessel has been prevented from earning freight, the above amount should be struck out.

9. Difference in the price of oil, 444*l.* 8*s.* 11*d.*

The above appears to be a large amount to award for a fall in price on 100 or 120 tons of oil, the value of which at 43*l.* a-ton would be 5,160*l.* A London Price Current in my possession does not show that there had been any depreciation in the value of palm oil.

10. Fee to Advocate, 100*l*.
11. Fee to Medical Man, *nil*.
12. Cessation of trade, 887*l*. 17*s*. 10*d*.

As I cannot imagine the reasons or grounds which led to the above award, I abstain from making any observation about it.

13. Expenses for medicines, *nil*.
14. Demurrage, 1,116*l*.

15. Loss sustained by the claimant on account of his absence from his house and business, and expenses of voyage, 444*l*. 8*s*. 11*d*.

This last is the same claim as No. 12 in a different form of words.

There can, I think, be no question that the proposed award is null and invalid; but if I am wrong in my opinion that the Xth Article of the Treaty is prohibitory; and, taken in connection with the exception mentioned in the VIIth Article of Annex B, withdraws from the jurisdiction of the Mixed Commission the authority and power to grant damages in the present case, there can be little doubt that the sum of 4,904*l*. 17*s*. 10*d*. will be awarded to the claimants.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 42.

(Translation.)

AMOUNT of Compensation awarded by the Portuguese Commissioner and Arbitrator to the owner of the barque "Dahomey," Her Britannic Majesty's Commissioner not being present, and without his assent, concurrence, or participation.

	Reis fortes.	£ s. d.
1. Depreciation of the hull, rigging, sails damaged, deck spoiled by the cargo, for more than three months	3,000 000	666 13 4
2. Jib-boom, topsail-yard, topmast, which the English burned on the voyage to Loanda, and boat broken	400 000	88 17 9
3. Damage to cargo	—	—
4. Leakage of 200 pipes of oil	1,000 000	222 4 5
5. Waste of rum	—	—
6. Cases of biscuits	—	—
7. Loss on insurance	1,200 000	266 13 4
8. Freight which the barque might have earned during her detention	3,000 000	666 13 4
9. Difference in price of oil	2,000 000	444 8 11
10. Honorarium to advocate	450 000	100 0 0
11. Ditto to medical man	—	—
12. Cessation of trade	4,000 000	888 17 10
13. Expenses for medicines on board	—	—
14. Demurrage, or indemnity for ordinary expenses of the barque during the detention, according to the terms of the schedule of Annex B of the Treaty of July 3, 1842, and in conformity with the tonnage of the said barque named in the register, 93 days at 12 <i>l</i> . 244 tons, being the average between the Portuguese and English measurements	5,022 000	1,116 0 0
15. Loss sustained by the claimant on account of his absence from his house and business, and expense of voyage	2,000 000	444 8 11
	22,072 000	4,904 17 10

Hall of Sessions, Loanda, July 30, 1866.

(Signed)

JOAQUIM GUEDES DE CARVALHO E MENEZES.

Commissioner on the part of Portugal.

FRANCISCO ANTONIO G. CARDOSA,

Arbitrator on the part of Portugal.

No. 43.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received October 11.)

My Lord,

Loanda, August 23, 1866.

I HAVE the honour to transmit a Report on the case of the Portuguese barque "Dahomey," tried before the Mixed Commission established in this city, together with an abstract of the evidence, and copies of the most important documents presented to the Court. I have kept your Lordship informed of all the details and circumstances attending the trial of this case.

The lengthened period that elapsed after the arrival of the barque and before judgment was given, is due to the circumstances of the vessel having been placed in quarantine; to the number of witnesses that it was found necessary to examine; to the fact that the Portuguese Commissioner having twice a-week to attend the sittings of the

Tribunal da Relação, of which he is a Judge, on which days the Mixed Commission was unable to meet; and in no slight degree to the incompetence of the Acting Secretary, and the multiplication of useless and unnecessary forms and words.

I was unable to commence the preparation of my Report before the departure of the last mail, in consequence of the papers being in the possession of the Portuguese Commissioner.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure 1 in No. 43.

*Report on the case of the Portuguese barque "Dahomey," detained on the 3rd of March, 1866, by
Commander Peile, of Her Majesty's ship "Espoir."*

THE Portuguese barque "*Dahomey*" of which José Augusto da Fonseca is Master, and Messrs. Pereira and Medeiros, of Aghwey, are owners, sailed from New York with a general cargo on the 15th August, 1865, having cleared for Aghwey and a market via Lisbon. The manifest contained a note by the Portuguese Consul-General in New York which stated that it appeared by the bills of lading, that twelve of the casks said to contain rum were empty. The object of the ship's visiting Lisbon, as alleged by the Captain, was for the purpose of signing the bond, which is exacted from the masters of all Portuguese vessels trading to the Coast of Africa, declaring that neither he nor the vessel under his command will engage in the Slave Trade. The "*Dahomey*" having changed in Lisbon the whole of her crew except the officers and a boy, cleared from that port on the 26th September for the Coast of Guinea (Costa da Mina), and arrived at Aghwey on the 14th November, having touched at St. George d'Elmina on her passage out. At Aghwey she discharged a portion of her cargo, and sailed on the 5th or 6th December for Whydah. She appears to have made several trips between those places and the various ports in the vicinity, of which no mention was made in the log-book, and was on the 3rd March, when on the point of getting under weigh, detained by Commander Peile of Her Majesty's ship "*Espoir*" on the specific ground as set forth in his declaration that there were three male slaves on board.

The "*Dahomey*" arrived in the port of Loanda on the 6th April, and was placed in quarantine. The Court met for the first time on the 13th of that month, on which occasion the ship's papers and the captor's declarations and various documents were examined and filed, and handed over to the interpreter to be translated, and the monition was ordered to be issued returnable in five days. On the 19th, a session was held and the examination of the witnesses commenced. Commander Peile, as appears by his declaration, was unable, in consequence of the quantity of cargo and casks in the ship, to make a thorough search of the vessel, but a rough list of the articles found on board, signed by E. H. Hodges, second master of the "*Espoir*" and dated at Aghwey, the place and day of the ship's detention, was brought by the officer in charge and filed, and in that list it was mentioned that thirty-six empty casks were found on board, of which twenty-eight were in the hold, and eight on deck, and two tanks capable of containing each five tons of water were discovered.

Commander Peile also sent in a statement to which he had sworn before the principal Magistrate at Lagos, in which he makes known the circumstances which led him to detain the "*Dahomey*," he also recounts conversations which he held with the master, and the three alleged slaves, a black man, a native of Lagos named George Tappa, serving on board the "*Espoir*" as Krooman, acting as interpreter in the communications which Commander Peile had with the latter. In that statement it will be found that the captain of the "*Dahomey*" declared that he was bound for London via Accra, and it also shows that he made a distinct and positive admission that the three men were slaves, but at the same time alleged that they had been sent on board by the owners as labourers, and were not intended to have been taken away, but would have been landed in the canoe which was alongside the vessel. The three supposed slaves declared, as interpreted by Tappa, that they received no wages, that they were slaves, that they were bought by a man on shore (pointing to Senhor Pereira's house), and brought to Aghwey, and that one of them with many other slaves was placed in irons, another did work in Senhor Pereira's yard, and the third in the house, that they were not all placed in irons because the irons were full, and that they had been chained round the neck and did not wish to go away in the ship. They were then told to recount their histories since they were made slaves and they declared:—

"About three months ago we were bought by a man at Aghwey (pointing to Senhor Pereira's house), and brought down here and placed amongst a great many other slaves, who were in irons ready for going away in a ship; one night after dark a brig came in and sailed away before daylight, full of slaves, we were to have gone away in her, but escaped and went into the bush hoping to get away, but were soon retaken. One, the biggest, was placed in irons, his brother who was a slave with him, had died in irons at the farm; another was worked in the yard, and the other in the house.

"On the arrival of the '*Dahomey*' at Aghwey some few weeks back, we were sent on board, and have remained in her ever since. The '*Dahomey*' sent a great deal of palm-oil on shore to make room to take slaves, as a great many are now on shore ready to go away in her, and would have gone had not the "*Torch*" arrived. They were then afraid to ship the slaves, and sent irons, coppers headed up in a cask, and farinha on shore, and took in a little palm-oil."

A document, dated "*Dahomey*, at sea, latitude 7° 15' south, longitude 11° 40' east," was also presented to the Court by the prize officer and ordered to be filed. It was a declaration signed by nine members of the crew of the "*Dahomey*," in which they declared, among other matters, that the day after the man-of-war's crew slept on board, the coppers were headed up in a cask and sent on shore at Aghwey; previous to this the irons were sent on shore; that they had seen the coppers come on board at Lisbon, but did not know then what they were for; that since they had been on the coast a number of black women had come on board in chains, and were conveyed in the ship to Aghwey, where they were sent on shore; and that they had long suspected that the ship was only waiting for an opportunity to ship slaves. The document referred to is witnessed by "Fred. Clark, Her Majesty's ship '*Espoir*;' and George Tappa again acted as interpreter, and explained its contents to the Portuguese crew.

The "*Dahomey*" had on board when detained about 100 tons of palm-oil (32,000 gallons), consigned, as appeared by the bills of lading, to Messrs. Knowles and Forster of London; a portion of her outward cargo consisting of tobacco and rum was also on board.

It was considered by the Court more convenient to take the evidence respecting the document signed on board

by the crew before examining the three alleged slaves. As the whole of the crew were examined, considerable time was occupied; but reference to the evidence will show that the men whose names are affixed to the declaration were unanimous, declaring that the contents had never been communicated to them, that they were false, and that if they had known what the paper contained they would not have signed it. Two of the three blacks, whose presence on board was the immediate cause of the detention of the "*Dahomey*," were examined as to their condition when that occurrence took place. One of them declared that he was born free, and always had been free; the other stated that his master had given him his liberty about two years ago, because he had nursed him during a dangerous illness; and they both alleged that they were on board of their free will; that they received wages; expressed their desire to return in the vessel, and declared that all Tappa had said, as reported in the statement of Commander Peile, was false. The third negro could not be examined, as there could be found no disinterested person who could interpret the Dahomean language, the only one that he spoke. The only person who could be produced to contradict evidence so positive and definite was George Tappa, who had acted as interpreter between Commander Peile and the negroes, and who had also translated to the crew the document drawn up by Master's Assistant Clark, and which they had signed. The mode in which that person gave his evidence deprived it of all weight and credit. He commenced by stating that he understood a little Portuguese. A number of questions were then put to him in that language, to which he gave no answer. They were repeated at the request of Her Britannic Majesty's Commissioner in the simplest form of words, and he was told in English not to be afraid. He replied that he was not afraid, but still gave no reply to the questions put to him. As no information could be obtained from him in Portuguese, he was examined through the interpreter in English. His evidence, if supported by any credible person, would have been important, as he repeated a conversation which he said he had held with the three negroes on an occasion when he slept on board the "*Dahomey*." He asserted that they told him that they were slaves, and that there existed on board Slave Trade articles; he, moreover, declared that he had himself seen a copper. He finally declared that he could speak very little Portuguese, but could make himself understood. It was open to the captor to show that the crew and negroes, as was possible and probable, had been tampered with, that what they were alleged to have stated and signed was true, and their evidence before the Court false; but credible and trustworthy witnesses would have been necessary to negative their verbal evidence given on oath; no such witnesses were produced.

After the examination of the witnesses had been taken, an inspection of the vessel was ordered on the requisition of the Proctor of the captor. The report of the Inspectors confirmed the presence of thirty-six empty casks mentioned in the rough list of articles on board made and signed by Second Master Hodges.

On the 24th of May the Court met to hear the respective advocates and to give judgment. Her Britannic Majesty's Commissioner in conference stated, that as the captain of the barque had not presented and was unprovided with the certificate mentioned in the 6th category of the IXth Article of the Treaty, to authorize or justify the presence of thirty-six empty casks on board, and had not proved or attempted to prove, by clear and incontestably satisfactory evidence, as required by the last paragraph of the same Article, that the casks were needed for legal purposes on the voyage, he was of opinion that the barque "*Dahomey*" should be condemned as good and lawful prize. The Portuguese Commissioner held a contrary opinion, and lots were drawn in compliance with the provisions of the IVth Article of Annex B of the Treaty; the lot fell on the Portuguese Arbitrator.

On the 5th of June the British and Portuguese Commissioners met in conference with his Excellency the Governor-General, as Acting Portuguese Arbitrator, and presented in writing the reasons which had led them to vote, one for the condemnation and the other for the release of the "*Dahomey*." After some discussion it was decided by the vote of the majority, Her Britannic Majesty's Commissioner being dissentient—that the vessel should be declared a bad prize and restored to the claimants. The Proctor of the owners then gave notice of his intention of presenting an account for indemnification in conformity with the VIIth Article of the Treaty, and the claim made by F. G. Medeiros in a protest made before a Notary Public at Lagos on the 8th of March, and which had been filed with the other papers.

An account for damages amounting to 41,631\$315 (9,251l. 8s.) was subsequently presented. The British and Portuguese Commissioners differed in opinion as to the right of the owners to indemnification, and also as to the interpretation and application of the Xth Article of the Treaty. The particulars have been already fully reported by Her Majesty's Commissioner and the question is still undetermined.

Loanda, August 23, 1866.

(Signed)

W. VREDENBURG,

Her Majesty's Commissioner.

Inclosure 2 in No. 43.

Evidence taken in the case of the Portuguese barque "Dahomey."

(Translation.)

Friday, April 13, 1866.

THE Commissioners met and examined the papers sent in by the prize officer, of which the following were filed:—

1. Prize officer's letter to Secretary of the Mixed Commission.
2. Certificate of papers seized and number of slaves on board.
3. Captor's declaration.
4. Sworn statement of captor relative to the detention of the "*Dahomey*."
5. Certificate by Governor of Lagos.
6. Rough list of articles found on board the "*Dahomey*."
7. Statement of crew of the "*Dahomey*."
8. Passaporte Real (Register).
9. Articles of agreement of crew for voyage from Lisbon to Coast of Guinea.
10. Ditto ditto for voyage from New York.
11. Register of ownership.
12. Two certificates of clearance.
13. Ditto ditto.
14. Clearance from Custom-house at New York.
15. Certificate of bond not to engage in Slave Trade.
16. Manifest of cargo (New York).

It was agreed that application be made to the Governor-General for an interpreter, and also for the prize to be taken charge of. The monition was ordered to be issued, returnable on the 19th instant.

Thursday, April 19, 1866.

Antonio do Nascimento Pereira Sampaio, 1st Lieutenant in the Portuguese Royal Navy, and Aide-de-camp to his Excellency the Governor-General of this province, was sworn as interpreter.

Edward Henry Hodges, Second Master in the Royal Navy, and officer in charge of the prize, solemnly declared that at the time of the detention of the "*Dahomey*" he was third in command of the seizing vessel, a declaration to which effect was put in writing, and the Commissioners ordered it to be filed. He further stated that the Captain of Her Britannic Majesty's ship "*Espoir*," and not he himself was the captor. He identified the documents which had been presented. He likewise stated that Tappa, who had acted as interpreter, or gave the declarations of the blacks on board, was on board Her Britannic Majesty's ship "*Jaseur*," anchored in this port.

Senhor Germano Pereira do Valle appeared as proctor for the captor, and Senhor Dr. Thomaz Raymundo da Fonseca, for the claimant and others interested in the barque. The claimant's proctor having presented some documents and papers, requested that they might be filed, and those in English and French translated by the Interpreter. Granted. He also requested permission to be allowed to go on board the barque to consult with his client when he wished. Granted.

List of Papers presented by the Claimant's Proctor.

1. Bill of lading, dated 28th December, 1865, for 11,000 gallons of palm oil.
2. Ditto dated 25th January, 1866, for 18,000 gallons of ditto.
3. Certificate from traders.
4. Ditto ditto.
5. Ditto ditto.
6. Pass (guia) from Governor of Portuguese Establishment at Whydah, allowing three blacks on board the "*Dahomey*."
7. Ditto, allowing one black cooper on board the same.
8. Captor's certificate of papers seized, and number of slaves on board.
- 9 and 10. Certificates of the captain and the searching officer, as required by the third category of the Hind Article of the Treaty.
11. Letter from "M. Beraud, Agent Consulaire au Dahomey et à Porto Novo," to Senhor Medeiros, enclosing certificate.
12. Certificate from M. Beraud that he had shipped some oil on board the "*Dahomey*."
13. Two policies of insurance of cargo.
14. Certificate of Colonial Secretary at Lagos.

Monday, April 23, 1866.

José Augusto da Fonseca, Master of the "*Dahomey*," being sworn and examined, deposed as follows:—

That he was a native of Figueira, in the district of Coimbra, and 27 years of age; that he was and always had been a Portuguese subject, and was Captain of the barque "*Dahomey*," that he navigated with Portuguese flag and papers, and that the barque belonged to the firm of Pereira and Medeiros, of the Coast of Guinea; that he had known the barque since 1857, at which time she was not the property of that firm, and was called "*Nereide*"; that the register, which was filed, would give all the particulars of the ship since she was built; that the cargo he had on board, and which he brought to the Coast of Guinea, was embarked at New York, and consisted of rum, tobacco, wood, and flour, as might be seen by the manifest; that when he was detained by Her Britannic Majesty's ship "*Espoir*," he still had on board some of the cargo he had brought from New York, and besides that he had on board about 32,000 gallons of palm oil, belonging to different freighters, sent on board by the house of Pereira and Medeiros, which cargo was intended for England, as should appear by the various documents which had been filed; that the cargo he took at New York, consisted of rum, tobacco, wood, tar, pitch, lanthorns, flour, and tins of biscuits; that from New York he went direct to Lisbon; that he sailed from Lisbon on the 26th September, 1865, with the same cargo he had brought from New York; that the crew was not quite the same, that all but the mate, cabin-boy, and boatswain were changed; that the voyage before last he was a seaman, and the last one he was boatswain; that with regard to the others, they were all shipped at Lisbon; that from New York he went to Lisbon to enter into a bond to enable him to go to the Coast of Africa; that this was his principal reason for going there, besides taking in some wine and provisions; that he did not enter into a bond at New York, because he knew no one there who would serve as surety, and for this reason he went to Lisbon, where it was easy to find sureties, as in fact he did; that he cleared from New York for the Coast of Guinea by way of Lisbon, where this clearance was verified; that the first port at which he touched after leaving Lisbon, was St. George d'Elmina; that there he discharged no cargo except two small kegs of wine; that he could not remember exactly the day he arrived there, but that it might be found in the log-book; that he remained two days there and thence sailed for Aghwey, where he arrived on the 14th November; that there he discharged a part of the cargo he had brought; that the barque then went to Whydah, under the mate, the deponent going by land; that the owners of the barque reside and have establishments at Aghwey and Whydah; that at the latter place he also discharged some of his cargo, and afterwards went to Aghwey, and made several voyages between those two places; that when he was detained, he already had some cargo of palm oil on board, about 32,000 gallons, received in December, if he remembered rightly, laden at Whydah, Aghwey, Little Popo, and Porto Seguro; that the reasons why he was detained are those entered in the log-book by the captor, and are for having three slaves on board; that the three blacks did not form part of the crew, but were for the service of the ship, by permission of the Governor of Whydah; that besides those three there was another black man, a cooper, on board, for whom he had another permission from the same Governor; that when detained, the vessel was in the roads at Aghwey; that the three blacks on board, were there in consequence of a requisition that he had made, that he required some persons to assist in the service of the ship; that they did not receive daily pay, nor was any agreement made by him, but were sent on board by the house of Pereira and Medeiros, of Aghwey, in consequence of his requisition, and from them he received the negroes, except the cooper, who was sent on board at Whydah; that he received the permission to employ the blacks on 1st December, and that it was after obtaining that permission, that they came on board at Aghwey, distant about four hours' voyage from Whydah; that he did not know whether the negroes were free or slaves, because, having been sent on board for the service of the ship, he did not know their condition; that he had had no shackles, bolts, or handcuffs on board since he left Lisbon; that he had had no boilers on board beyond those necessary for the use of the ship; that he had landed no boilers at Aghwey, and had none to land; that he had embarked no black women in chains, for the purpose of transporting them to Aghwey; that two of the blacks found on board were employed on deck, and the youngest in the cabin; that he understood something of English,

but did not think there was any one else on board who spoke or understood it; that he was not aware that any members of his crew had signed a declaration by which it appeared that black women in chains, or coppers, or boilers, which had been landed in barrels, had been on board his vessel; that he only knew that the sailors had made a declaration respecting their shipment at Lisbon, the amount of their wages, and the cargo the vessel had brought from New York; that the barque was detained on the 3rd March, by the British ship of war "Espoir"; that the same cargo and negroes were on board when the vessel was visited a few days before by Her Britannic Majesty's ship "Landrail," and that no reason was then found for detaining the vessel; that it was after the captain of the "Espoir" was on board, and had searched and detained her, that he gave to witness a paper by which it appeared that he was competent, in conformity with the terms of the Treaty, to search and detain her; that he recognized the officer who presented himself on board as an English officer, but he could not at that time assert, that he was the commander of the ship, because neither he nor any one made the declaration required by the Treaty; that when he was detained he had not more than five casks of potable water on board; that he was invited by the captor on the 7th March, the barque being then at anchor at Lagos, whither she had been taken by him, to haul down the Portuguese flag, as the most simple way of settling this business, and that it would be more favourable and convenient to witness and the crew than to be taken to Loanda, where a more severe punishment than they suspected, would be inflicted by a competent tribunal; that this invitation was made in the presence of the mate, and, he believes, the boatswain; that this invitation was made through a black man who did not belong to the vessel, but appeared to act as interpreter for the cruiser.

João d'Assumpção Rangel, mate, was then sworn and examined and deposed as follows:—

Witness was a native of Trafaria near Lisbon, where he resides, was twenty-four years old, a Portuguese subject, and unmarried; that he went to New York in the vessel as mate, and returned from that port to Lisbon; that the cargo brought from New York consisted of rum, tobacco, flour, pitch, &c.; that the cargo was despatched for the Coast of Guinea (Costa da Mina), via Lisbon, for the purpose of signing the bond; that in Lisbon they changed the crew, there remaining only the captain, witness, the boatswain who had been a seaman, and a cabin boy; that after leaving Lisbon the first port they touched at was St. George d'Elmina; that they discharged no cargo at that place, but landed some small casks of wine, which did not form part of the cargo; that they only remained two days; that they went there to see if they could do any trade, and to see if there were any letters for them; that they went thence to Aghwey, where they arrived on the 14th November, and remained till the 5th December, on that day they sailed for Whydah; that the captain commanded the vessel during the whole time; that they arrived at Whydah on the 7th December; that they made many trips between Aghwey and Whydah, which are very near each other, discharging cargo and taking in about 32,000 gallons of palm oil on board; that they never had on board during the voyage shackles, bolts, or handcuffs; that they had never had coppers or boilers on board beyond those that were indispensable for the use of the vessel; that none were sent on shore either at Aghwey or at any other place, that no negroes, males or females, slaves or free, were anywhere received on board and taken to Aghwey or any other place, and that with respect to the black men, three were taken for the service of the ship, and also a black cooper, for whom a requisition has been made by the captain; that three of them came on board at Aghwey and the cooper at Whydah; that he could not remember the day when they came on board, but it was about three months ago; that the said negroes were employed in the service of the ship; that they came on board after the first voyage between Aghwey and Whydah, and a licence given by the Governor of Whydah, dated 1st December, being shown to witness, granting permission for three blacks to be employed on board while the ship was on the coast; he said he had seen it before, but did not remember on what day of that month, but it was brought by the captain, when he went to Whydah; that he had no interest in the ship or cargo and only received his wages; that he did not know whether the three negroes were free or slaves; that they went about the ship perfectly free and unfettered and received the same rations as the sailors, but did not know whether they were paid; that he did not understand English, and did not know whether any of the crew spoke that language; that he did not know that the declaration shown to him had been signed; that neither he nor any of the crew had left the vessel since her detention.

Tuesday, April 24, 1866.

José Joaquim Pestana, boatswain, was sworn and examined. Witness said that he was a native of Figueira in Portugal, was married, and forty-three years of age, that he entered as boatswain at Lisbon for the present voyage, having been a seaman on the voyage from New York to Lisbon. Witness confirmed the evidence of the previous witnesses as to the nature of the cargo and the change that took place in the crew at Lisbon; he stated that he had heard the captain say, that they were going to Lisbon to give bond for the voyage to the Coast of Africa, but could not say whether the bond was given; that they went to St. George d'Elmina, and thence to Aghwey, that after remaining some days at that port they went to Whydah; that they only remained two days at Elmina and discharged some small barrels of wine; that they discharged cargo in various voyages between Aghwey, Whydah, and Porto Segaro, and took on board some palm oil, but witness did not know how much; that the barque did not bring or have on board, any shackles, bolts, or handcuffs; that the pine planks were discharged at Aghwey and Whydah, there only remaining on board what was necessary for stowing the cargo; that they had no slaves on board; that they had four negroes, one of whom was a cooper who had been sent from shore and had been presented to witness to be employed in the service of the ship; that they had on board only four black men, one of whom was a cooper, and they were sent from on shore and handed over to witness to be employed in the service of the ship in the same manner as the rest of the crew, and they were employed as the rest of the men, receiving the same rations and treatment; that they went about quite free, mounting the yards, taking in sail and doing all the service of sailors; that he did not know that either at Aghwey or anywhere else coppers or irons were sent on shore in casks or by any other mode; that they took no coppers or irons on board in Lisbon; that he did not know whether any of the crew had signed any paper; that the vessel had conveyed no women in chains to Aghwey; that no women had been on board the vessel except a white lady, who he heard was an American, and belonged to one of the owners.

The declaration signed by the crew having been read to witness, he declared that it was all false, and did not think the sailors capable of telling such falsehoods; that there only existed on board about six empty puncheons ready to receive palm oil, and with them some pipes full of rum and palm oil.

Antonio da Costa Guia, seaman, of the "Dahomey," was then sworn and examined.

The evidence of this witness was the same in substance as the foregoing, with respect to the outward voyage. Witness then stated that no coppers, shackles, handcuffs, or irons were received on board in Lisbon; that he neither saw, nor to his knowledge were there any of those articles placed on board the vessel; that none were ever landed from the vessel; that no women in irons, either free or slaves, were ever brought on board the vessel and conveyed to Aghwey; that the only negroes were three labourers in the service of the ship, who came on board about six days after they began to discharge; that at a later period another black man, a cooper, came on board at Whydah;

that those negroes, when they came on board were without chains, and at liberty like the crew, and walked about the vessel, hoisting cargo in and out, and helping in the work of the ship; that he never suspected that the ship was intended for the Slave Trade; that he had signed a paper on board written by a midshipman or cadet; that he knew what the paper contained, because the Englishman read it to a black man who was on board, and he put it into Portuguese. The paper asked where they had loaded. Witness had answered in New York. Whether the crew was the same. Witness had answered that others had entered in Lisbon, that from there they were to come to the Coast of Guinea (Costa da Mina), then to some port in the north, and return to Lisbon. Whether the ship had come to engage in the Slave Trade; witness had answered, No. Whether they had taken chains on board in Lisbon; witness had answered, No; that they had only taken provisions. Whether the people on the coast had landed oil on shore, or sent it to any vessel; witness had answered, No. Whether the blacks on board were labourers; witness had answered, Yes; because the boatswain, a sailor, and a boy were ill when they began to discharge. Whether any American lady had died on board; witness had answered, that she was the wife of the owner, and had gone on board for change of air. He was told that the crew was all right, and they had better sign a paper because it was neither against them nor against the ship; that if the vessel remained detained, that they (the crew) could not suffer; that they could go on shore to the house of the English Consul, who would pay them their wages, and that the Consul would have to give them 18*l.*; that one day, before they (the prize crew) went on board the steamer here, while the crew of the barque were asleep, an English petty officer (*official da prôa*) went to them and told them that they (the Englishmen) were going next day on board the English steamer in harbour, and that the English Captain sent to tell them that to-morrow, or any day, they should go to the house of the English Consul, who would read a paper to them, and they were always to say "esse" (probably meant for "yes"); that he would pay them 18*l.* and they would be free; but if they said "no," they would remain prisoners; that all this was explained by Francisco José, a Portuguese sailor, who understood English. The declaration being shown to witness, he declared that the signature was his, but that if it contained declarations which were not those which he had just related, it would be because they had not explained properly what the paper contained, because it was read by a midshipman, and translated into Portuguese by a black, whose name he did not remember, but who came from Lagos, and was the same who had denounced the vessel. The paper being read to witness in Portuguese, he declared that it was untrue, and treachery of the English, saying one thing and writing another; because when the paper was presented to him to sign, it was read by a midshipman, and explained to the crew by a black man, a native of Lagos, in the service of the vessel that had detained them, and that the explanations given by the black man were not the same as those now read to him, but another, in which nothing was said about the barque having had coppers and irons, or handcuffs on board, nor that they had embarked nor received women in chains on board; and that what the black man told them, that what witness has already said was written in the paper, and for that reason he signed it in good faith, but that if he had known that the paper contained what has now been explained to him he would not have signed it, because it is false; that the words addressed to them in reference to what they should say respecting the paper which they had signed, were spoken by a petty officer on board the barque after she was anchored in this port of Loanda, and were explained in Portuguese by the sailor Francisco José; and that Francisco José, José Villa Nova, and Antonio Bettemcourt were present, it being about 9 o'clock at night, when they were in bed.

Thursday, April 26, 1866.

Francisco José d'Oliveira, being sworn and examined, deposed:—

That he was a native of Setubal in Portugal; that he was on board the "*Dahomey*" as a seaman when she was captured; that he shipped in Lisbon to come to the coast of Africa to load with oil, and then go to some northern port or Lisbon; that he never saw or heard that any coppers, chains, or irons were put on board the barque in Lisbon, nor did he see or hear of any having been put on board during the voyage, nor did he see or hear of any having been landed; that he never saw or heard of any black women in chains having been brought on board the vessel; that the same negroes as are now on board were in the vessel when she was detained; that they were at liberty and unfettered, and that they came on board unfettered, and were employed in the same service as the rest of the crew. Witness did not remember how long they had been employed; they received exactly the same rations and food as the white men; that he did not know whether they were paid, nor whether they were free or slaves; that they slept exactly as the rest of the crew; that he had never any suspicion that the vessel was intended for the Slave Trade; that he had signed a paper since the ship was detained, but wished to hear that paper read; that he knew the declarations that were told him—the paper was brought to witness by a midshipman who was accompanied by a black man named Tappa; that the paper was read by the Englishman, and explained in Portuguese by the black man; that he remembered the contents of the paper; that he was first asked where the ship had loaded, and he answered, In New York.

He was then asked where he had joined the vessel, and he answered, In Lisbon. He was asked if he had assisted in the loading, and answered, No; that those were the only declarations he signed; that he did not know whether the paper contained others, because it was written in English, and neither he nor his companions understood that language; that he signed the paper without knowing what it contained, because he trusted to what the black man told him; that his reason for signing the paper was because the Englishman asked them for what purpose they had come to the coast, and they answered, "To load oil for some northern port." They then told us that we were all right; it would be better, therefore, to make a little paper about these things, because if the ship remained captured we should have our liberty and receive our wages.

The declaration was then read in Portuguese to witness, and he was examined on each declaration. He declared that they were all false; that it was false that coppers were put in a cask and sent on shore at Aghwey; that it was false that irons were sent on shore; that it was also false that coppers had been sent on board at Lisbon, and that women had come on board in chains; and it was false that he had suspected that the vessel was intended to embark slaves. He declared that if the declarations had been explained as they had been read to him he would not have signed the paper, because they are false; that he could neither speak nor write English, as he only knew Portuguese badly; that he could not hold a conversation in English, as he only understood a few words; that he did not understand the paper when it was read by the English midshipman; that some proposals or explanations were made to him by a petty officer since the vessel arrived at Loanda, before the English crew left the vessel; that there was an Englishman called quartermaster, who, about 9 o'clock the night before the English crew left, came forward, the crew being in bed, and called me, and told us to say what was in the paper, or it would be worse for us; that we should always say "alceimes," and it would be right with us, for then if the ship remained captured we should have our liberty and our wages; that the Englishman spoke in English, and what he said was explained by the black man, who had already interpreted the paper that they had signed, and as the black man was not very intelligible speaking Portuguese, and as witness's companions did not understand very well, he (witness) explained to them what the black man said; that the barque did not come direct to Loanda, but went to Lagos, where she remained about three days.

Manoel Corria, seaman, was sworn and examined:—

Witness joined the barque in Lisbon about eight days before she sailed for a voyage to the coast of Guinea to load oil, and then to a northern port and Lisbon; that since he joined the ship he never saw or heard of any coppers or irons being brought on board or sent out of the barque; that he never saw or heard of any women being brought on board in chains and taken to Aghwey; that he never suspected that the vessel was intended for the Slave Trade; that he signed a paper in which he was told there were written the following declarations:— “That they came from Lisbon bound to the Coast of Guinea (‘Costa da Mina’), and thence to a northern port and to Lisbon,” and as they told us that those were the declarations that the paper contained, and that if the barque were condemned we should be free and receive our wages we signed the paper; that the paper was read by a midshipman and explained by a black man, who understood a little Portuguese.

The declarations being read to witness, he was asked whether they were true; he answered that the first, second, and third were true, he declared to be false the declarations respecting the coppers, chains, shackles, &c. and the women; that he was not told that the paper contained what had just been read to him, and that he would not have signed it if he had been told so, because it was false; that when the midshipman brought the paper to be signed the crew were not all together; that it was explained by the black man, and Francisco José explained some words.

Friday, April 27, 1866.

José Feliciano, seaman, was sworn and examined:—

The evidence of this witness was substantially the same as the preceding, with the following exception; that he declared that when he signed the paper there were only three or four lines written.

Antonio Vieira’s evidence was also taken during this session, but varied in no material point from that of the witnesses previously examined. The evidence of the men who signed the declaration was received in subsequent sessions. None of them repeated the statement of José Feliciano that the paper containing the declarations had only three or four lines written when it was signed, but in other respects they were in agreement with the evidence of the witnesses who had been previously examined.

Tuesday, May 1, 1866.

Edward Henry Hodges, Second Master of Her Majesty’s ship “Espoir” and officer in charge of the prize, was sworn, and examined on behalf of the captor. Witness deposed:—

That he had presented to the Court a document signed by a number of the crew of the barque “Dahomey;” that he had no knowledge of the circumstances which preceded the signing of that paper; that it was presented to him signed; that he did not know which sailor of the “Dahomey” was named Francisco José d’Oliveira; that he did not know whether some petty officers of the English crew had on the evening before they left the barque made any promise to the persons who signed the document to induce them to ratify on shore what they had signed, but no such promises were made by witness nor authorized by him; that he does not know that any person under his orders made any such promises; that he slept on board the barque the day before she was detained; that on that occasion he made no entry in the log-book, because he went on board to request permission to have his boat there as he was rather unwell, and that he did not search the vessel.

Frederick Clark, Master’s Assistant of Her Majesty’s ship “Espoir,” was sworn and examined. Witness deposed:—

That he knew the document shown to him (the declaration signed by the crew of the “Dahomey”); that his name is signed as witness; that it was signed in his presence by the persons whose names are subscribed, those that could not write made a cross; that he knew the circumstances which preceded the signing of the paper; that they received information from their sailors that the crew of the barque had told them what is written in the paper, this was afterwards communicated to Mr. Hodges, and he told their sailors to ask the Portuguese crew whether they would sign those declarations if they were reduced to writing; the declaration was written by witness, and taken by him to them to sign; the Portuguese crew said they would sign, but before signing it was read to them in English, and translated by Tappa; the declaration was read to them slowly and deliberately, paragraph by paragraph; that each paragraph was translated separately as it was read, by the interpreter; that the paper was in the same state as when it was signed; that nothing had been added by witness or any other person since it was signed; that to witness’s knowledge no promises or offers were made to the men, to induce them to sign the paper; that the paper was signed spontaneously, and the signature suggested by Mr. Hodges; the paper was not extorted from them; that the man whose name is first signed speaks English; that witness knew that he made the declarations, contained in the paper, to the English crew, and he was the man who gave the information; that the captain, mate, and boatswain, had no knowledge that the paper in question had been signed; witness knew of no reason why it was concealed from them; witness had no knowledge of any offers of money having been made to the persons who had signed the paper, on the evening before the English crew left the barque, to induce them to ratify on shore, what was written on the paper; that the English sailors do not speak Portuguese; one of the Portuguese sailors speaks English, and it was he who explained to the English sailors what the crew of the barque had said; the Portuguese sailor was not present at the moment when the declarations were reduced to writing; the declarations were explained in Portuguese by Tappa, a Krooman, serving on board the “Espoir”; witness does not speak Portuguese, and could not say whether the declarations were properly translated by Tappa; witness had spoken in English to the sailor who first signed the paper, and had heard him speak English.

Robert Taylor, Quartermaster, serving on board Her Majesty’s ship “Espoir,” was sworn and examined. Witness deposed:—

That he formed part of the prize crew that brought the “Dahomey” to Loanda; that during the voyage, certain members of the crew of the “Dahomey” signed a paper; witness had not seen the paper, but was told of it by one of the Portuguese crew that they called boatswain; did not know the name of that man; did not know the circumstances under which it was signed; neither witness nor any of the English crew had, to his knowledge, made any offers of money as inducement to sign the paper; witness believed that the paper was signed spontaneously and voluntarily; that among the Portuguese crew there are some that speak English; the one they call boatswain, the darkest of them all; witness knew that the man spoke English, because he (witness) was in charge of the provisions, and that man came and asked him for them, and on those occasions he spoke English; that there was no other quartermaster in the English crew except witness; that he did not, on the evening before they left the barque, make any offers of money to induce the persons who had signed, to ratify on shore what was contained in the paper, and that none of the English crew were forward that evening; that none of the English officers or crew speak Portuguese, except Tappa, who speaks a little; that the English sailors always remained aft; they went forward occasionally to do some work, or light a pipe, or to have a little conversation with the Portuguese; the Portuguese sailor, who speaks English, speaks sufficiently to make himself understood.

CLASS A.

William Betts, Captain of the Forecastle, serving on board Her Majesty's ship "Espoir," was sworn and examined. Witness deposed:—

That he formed part of the prize crew that brought the barque "*Dahomey*," to Loanda; that the Portuguese sailors told him that they had signed a paper on the voyage down; no one else on board spoke to witness on the subject of that paper; that the paper was given to witness to take forward and read to the Portuguese crew; that he read the English to them, and they said they could not understand it, he then caused it to be read by Tappa; after the paper was read it was taken away again; witness took it away; it was not then signed; it was signed on the following day; witness was not then present; witness had no knowledge of any offer of money having been made to the Portuguese during the voyage, or the evening before the English crew left the barque, as an inducement to ratify on shore what was written in the paper; that the seaman Francisco José, speaks very little English; witness neither spoke nor understood Portuguese; witness read the paper to a man and asked him if he understood it, he answered yes, but said he would not sign it until he had spoken to the rest of the crew, and that he would speak to them next day; that he spoke directly with the man, without the intervention of Tappa; the paper was sent forward by Mr. Clark; witness added, that when he spoke of Francisco José, he meant a young sailor without a beard, but the man to whom he read the paper had long black hair, a black beard, and a dark colour; that man spoke so as to be understood sometimes, at other times it was difficult to understand him.

George Tappa, serving as krooman on board Her Majesty's ship "Espoir," was introduced and asked what was his religion, and whether he spoke Portuguese. With respect to his religion he gave no answer. He was again asked if he was of any religion, and replied that he did not understand. Many other questions were put to him in Portuguese, to which he gave no answer. He finally declared that he did not understand Portuguese, but understood English; the questions were therefore put to him in English. Witness declared that he was a native of Lagos, an English colony, and served as krooman on board Her Majesty's ship "Espoir"; that the boat in which he was cruising was fastened one night alongside the "*Dahomey*," and on that occasion he went on board of her to sleep. That 3 slaves made some declarations to him on that occasion: they told him that they were slaves, and that there existed on board Slave Trade articles; that there were coppers on board; that they could not tell him more because the mate sent them away. Witness saw the coppers on the port side; when he went on that side to embark in the boat he was told it was not on that side. It was 10 o'clock at night and very dark, and the mate who was on the poop called to the slaves and told them to go away. When witness lifted the tarpaulin he saw half of the coppers; he lifted the covering in another person's ship because he did not believe what the slaves had told him, and he wished to see; it was half-past 9 at night. Witness went to see the coppers before he was told not to pass on that side; there was one copper. Ships which load palm-oil are in the habit of having coppers on board. The negroes made no other declarations, because when they spoke to witness they were sent away by the mate. They said that they were slaves; they said that they had been chained, and one of them was marked; they were at liberty but said they had been previously in chains. Witness told one of the stokers of this conversation, he repeated it to the first Lieutenant, and by these means the Captain knew of it. Witness accompanied the Commander of the "Espoir" on board the barque, but did not see the same thing that he had seen before. The copper was not on board. Witness knew the three negroes before he saw them on board; he knew them at Porto Novo and Lagos; had known them for about six years. One of them was born at Aguiado, one at Aié, and the third at Bariba (those three names are written as near as possible as they were pronounced). They said they belonged to a white man at Aghwey, named Medeiros. Witness knew that the Portuguese sailors had signed a paper on board. The paper was written in English, and he explained its contents to the Portuguese sailors; although he had said he did not know Portuguese, or answer the questions put to him, he understood very little Portuguese, but could make himself understood. The declarations that he explained to the sailors were that they had had coppers and chains on board, and had taken women from Whydah to Aghwey.

João (one of the alleged slaves) was introduced and examined.

Witness stated that he was a native of Aghwey, of free condition, and was on board the barque when she was detained: that he knew a black man named Tappa; he never told Tappa that there were coppers on board the barque; he always went at liberty about the vessel; he came freely on board; he was employed in hauling, and performed the same service as the other men. His master at Aghwey was named Soares. Witness wished to return in the barque to Aghwey; he never suspected that the barque was intended to ship slaves; he never saw any women in chains about the barque; he never saw any negroes in chains on board; he never saw on board any irons or chains for slaves. If Tappa said that witness had told him that there were coppers on board it was false, as he never conversed with Tappa. When the English crew left the barque witness threw himself into the sea, that is, fell into the sea. He did this because they told him that after they left, the captain would tie him up and kill him. He was told that they had said so by one of his companions named Guilherme. Witness was a slave when a child, but when the barque was taken he was free; had been free for more than a year. When he was a slave his owner was named Medeiros. He received pay for his work on shore. The English officer asked witness if he were a slave or free, and he told him he was free. The English officer asked him if he were on board by his own free will, and he told him that he was, and had made a voyage in the barque to Porto Seguro and Whydah. Witness did not understand what the English officer said, but Tappa told him what the Englishman said. He had never been to Lagos before he went there in the barque after her detention. He had only been to Porto Novo when he was very young and was a slave. Had never been marked with an iron (witness was examined on the breast and no mark was found); saw Tappa for the first time on board the barque, when she was detained, and never knew him anywhere else. Had neither father nor mother; they were both dead. He had a wife at Aghwey; slept when he chose in the house of his wife, and when he chose in the house of his master. He had been free since his owner was ill, and he had nursed him, because he did not wish that he should be a slave to any other person.

Guilherme (one of the alleged slaves) was introduced and examined. He deposed:—

That he was born at Aghwey, and was in the barque when she was detained; that he was free and earning wages, which were paid to him on shore; that he went on board free and unfettered; that he never had any fear of being shipped as a slave; that there were never any black women on board, nor coppers, chains, or irons; that on board the barque were rum, wine, biscuits—they were selling rum and buying palm-oil; that he had known Tappa a long time, and saw him first at Aghwey; he had never told Tappa that there were coppers on board; he had never told him anything; and that Tappa was then sitting behind witness, and could tell the truth; that Tappa had passed a night on board the barque before she was detained; that Tappa on that occasion asked him if he were a slave or free; he answered that he was free; Tappa then told him to say the truth that he was a slave, and witness insisted that he was free.

The evidence of Tappa being explained to witness, he said that it was a lie, it was all lies; that it was false

that he had told Tappa that there were coppers on board, or shown them to him; that he was telling the truth, and that Tappa, who was present, could say whether it were not so; that when the English crew left the barque he had thrown himself into the sea because Tappa, who speaks English, told him that if he (witness) would say he was a slave he would give him four bags of cowries, and witness answered that he would not say so, because it was a lie; that he was free and not a slave; and when the barque was handed over, they told him by signs that they (the witnesses) would be chained and whipped and beaten by the captain of the barque; that he understood the signs because the Englishmen crossed their arms, made mention of "paucadas" (blows), saying that the captain would give them blows till he killed them. Witness declared that he had never been a slave; that he received his wages on shore; that he told the English officer that he was free; that he never told the officer anything else; that he was in the barque by his own free will; that he did not understand the English officer when he asked him if he were a slave; that Tappa explained it to him; that he had never been to Lagos; that he had never been on shore at Porto Novo; he had a father and mother alive at Aghwey; had never been marked with an iron. (No mark was found on examination.) He wished to return to Aghwey in the barque, and had no fear whatever that the owner or captain would take him anywhere else.

Dan-i-delin (another of the alleged slaves) was introduced. As no disinterested person could be found who understood the Dahomean language, that being the only language that witness spoke and understood, it was not found possible to take his evidence. His chest was examined, and on the right side was a mark which appeared to have been made with a hot iron.

Inclosure 3 in No. 43.

Declaration of Commander Peile.

I, the undersigned, Mountford Stephen Lovicle Peile, holding the rank of commander in Her Britannic Majesty's navy, and commanding Her Majesty's ship "Espoir," duly authorized by the Treaty between Great Britain and Portugal, dated 22nd January, 1815, for the suppression of the Slave Trade, do hereby declare, that on the 3rd day of March, 1866, at Aghwey, I seized the Portuguese barque "*Dahomey*," whereof F. A. Fonseca is master, for having violated the said Treaty, and I further declare that the vessel had on board at the time of seizure a crew of eight persons, a cooper and 3 slaves, namely, 3 males, and I do also declare that I found this vessel in the following state:—

Barque rigged, with poop, about 300 tons, Portuguese colours flying at the mizen peak. Her main hold had a tier of empty casks and a few casks of rum, with a riding tier of a few casks of palm-oil in the square of the hatch. Under the forecabin were two large empty tanks of about 5 tons each. On the upper deck there was a quantity of rum and tobacco in casks, and some empty casks.

The papers which the master delivered to me, and which he declared to be the only documents in his possession, were sealed up in his presence in a tin case. The log and cargo book were also taken charge of.

A thorough search of the vessel could not be made on the spot, on account of the number of casks in the hold and on deck.

Given under my hand this 3rd day of March, 1866.

(Signed)

M. S. L. PEILE, *Commander,*
Her Majesty's ship "Espoir."

Inclosure 4 in No. 43.

Certificate.

I, the undersigned, Mountford Stephen Lovicle Peile, holding the rank of Commander in Her Britannic Majesty's Navy, and commanding Her Majesty's Ship "Espoir," do hereby certify, that on the 3rd day of March, 1866, being at Aghwey, I seized the Portuguese barque "*Dahomey*," whereof F. A. Fonseca is master, and that she had on board at the time of capture, 3 slaves, viz., three males.

I further certify, that the papers which I have numbered 1 to 3 inclusive, are the whole of the documents, letters, and writings, seized on board, which are hereunder specified and described, namely:—

1. Ship's official papers, in tin case.
2. Ship's official log-book.
3. Cargo book.

Signed by me, the 3rd day of March, 1866.

(Signed)

M. S. L. PEILE, *Commander,*
Her Majesty's ship "Espoir."

Inclosure 5 in No. 43.

Statement of Commander Peile, of Her Majesty's ship "Espoir," relative to the Detention of the Portuguese barque "Dahomey."

On the night of the 2nd of March, 1866, the second whaler returned from boat cruising, in consequence of Mr. Hodges, second master (the officer in charge of the boats), being too unwell to continue on boat service.

From one of his crew I learnt, that on the night of the 26th ultimo, the boats had gone on board the "*Dahomey*," where George Tappa (Krooman), met three black men whom he had known at Lagos, who informed him that they had been bought as slaves, by a man at Aghwey, and were sent on board that vessel. They begged him to tell the captain of the man-of-war that they were there, as they wished very much to be freed.

I therefore immediately despatched another officer in the whaler, with orders to return with both boats as soon as possible the following day. On the arrival of the boats, I questioned Tappa most carefully, on the subject of the slaves being on board the "*Dahomey*," and he, without hesitation, confirmed the above report.

I accordingly determined to board the "*Dahomey*," to make the necessary enquiries, and at 1.15 P.M. on the 3rd instant, I left the ship in the second cutter, taking with me Mr. Wade, assistant-paymaster in charge, and Mr. Clark, master's assistant, and arrived on board the "*Dahomey*" at 1.45 P.M., where I was received by the chief mate, but after several times requesting to see the master, he came on deck to me.

As the vessel was then sheeting home her topsails and getting under weigh, I asked the master the following questions, and received the following answers:—

Q. Where are you going?—A. To Accra.

Q. Where after Accra?—A. To London.

Q. What London?—A. England.

Q. What is your cargo?—A. Palm-oil, rum, and tobacco.

Q. What is your crew, or your number of men?—A. Five white men and four black men, one is a cooper, and three labourers.

Q. Do they all receive wages, or are they all paid?—A. Oh, yes. Oh, yes.

Q. What water have you on board?—A. Four puncheons.

Q. Where do you stow it?—A. On the upper deck.

Q. Have you any other place for stowing water?—A. None.

Q. Have you any plank on board?—A. None.

I then asked to see the ship's papers, log, &c. He took the papers out of a tin case, and produced a log and cargo book, but they all being in Portuguese I did not understand them and replaced the papers in the case, and went on deck again.

I then told the master I wished to see the black men of his crew, and repeated it twice; on their coming aft I desired Tappa to point out to me the three men he had spoken about.

I told Tappa to ask them the following questions and to tell me their answers, and as they appeared very much frightened, to assure them that they had no reason to be afraid if they told me all the truth:—

Q. Do you receive wages for working?—A. No.

Q. Are you free men or slaves?—A. Slaves.

Q. How did you become slaves?—A. We were bought by a man on shore (pointing to Senhor Pereira's house), and brought here (Aghwey): one of us, with many other slaves, was placed in irons, another did work in Senhor Pereira's yard, and the other in his house.

Q. Why were you not all placed in irons?—A. Because the irons were full.

Q. How were you chained?—A. Round the neck.

Q. Do you wish to go away in this ship?—A. No.

I told them to tell me all about themselves, from the time of their being bought as slaves. Their story was as follows: "About three months ago we were bought by a man at Aghwey (pointing to Senhor Pereira's house), and brought down here and placed amongst a great many other slaves, who were in irons ready for going away in a ship; one night after dark a brig came in and sailed away before daylight full of slaves, we were to have gone away in her, but escaped and went into the bush, hoping to get away, but were soon retaken. One, the biggest, was placed in irons; his brother, who was a slave with him, had died in irons at the farm; another was worked in the yard, and the other in the house."

"On the arrival of the '*Dahomey*' at Aghwey, some few weeks back, we were sent on board, and have remained in her ever since. The '*Dahomey*' sent a great deal of palm-oil on shore to make room to take slaves as a great many are now on shore ready to go away in her, and would have gone had the '*Torch*' not arrived. They were then afraid to ship the slaves, and sent irons, coppers headed up in a cask, and farinha on shore and took in a little palm-oil."

These questions were put to each slave separately and answered by them.

I then asked the cooper "Did you head the coppers up in a cask?" "No, it was done by the cooper who was here before me, he is now working at Whydah." "Is there any farinha on board?" "No, it has all been sent on shore."

I asked the master if these slaves were domestic slaves and, if so, where were their papers. He said he had no papers. I asked if they were on his ship's books, he said "No," shrugged his shoulders, and said it was not customary on the Coast of Africa.

I then told him I could not let him go to sea, and directed him to clew up his topsails, for I intended to detain him as he had not only slaves on board but British subjects, as the slaves he had on board were taken from Lagos. He said they were not bought at Lagos but at Porto Novo. I said "You know then they are slaves?" He answered, "Yes, they were sent to me by my owners as labourers." I said "I cannot help that, they are on board your ship." He replied that he should have sent them on shore in the canoe alongside before he sailed. I asked the slaves if such was the case, and they said, no, they were going to be taken away in the ship; to which the master replied, "How should slaves know what is going to be done with them?"

I then ordered Mr. Clark, with three of the boat's crew, to search the vessel as well as they were able.

They found two large tanks under the forecabin of about 5 tons each, but empty. The main hold had a tier of empty casks and a few casks of rum with a riding tier of a few casks of palm-oil in the square of the hatchway. On the upper deck there was a quantity of rum and tobacco in casks and some empty casks.

A thorough search of the vessel could not be made on account of the number of casks in the hold and on deck.

I then told the master I should put officers and a prize crew on board, and sent the cutter away for Mr. Hodges, second master, and a crew of fourteen men.

After this I went down into the cabin and made a notation in the ship's log to the effect that having found three slaves on board I detained the vessel. I asked the master, in the presence of Mr. Wade, if he had any complaint to make against me or the officers or men with me, or the manner in which the search was conducted. He said "No, certainly not." I then sealed up the tin case with the ship's papers, and on the arrival of Mr. Hodges handed them, together with the ship's log and cargo book, to him, directing him to take an inventory of everything on board as far as he was able, to make a thorough search for further documents, and to close her hatches and such cabins and places as were not positively necessary for the use of the master and his officers and crew.

As the slaves were in a great fright of the captain and crew of the "*Dahomey*," I placed them aft on the poop with a sentry over them with directions that they were to have no intercourse with the crew; I also, before leaving the vessel, desired Mr. Hodges to show every civility consistent with his duties to the master, his officers, and crew.

In the evening I returned on board the "*Dahomey*" to sign certain papers which were not ready for my signature when I left to get my dinner. The master then placed in my hands a paper, I believe drawn up by himself, and begged me to sign it. I said I could not sign it, not being able to read I did not understand its contents, but offered if he would give me a copy of it to sign it and hand him a receipt for the same stating that it purposed to be a protest of his against the detention of his vessel. He declined the offer and I left the ship.

I hereby certify that the above is a full and detailed account of all the circumstances attending the boarding and detention of the Portuguese barque "Dahomey."

Dated on board the "Espoir" at sea, this 4th day of March, 1866.

(Signed) M. S. L. PEILE.

I hereby certify that the above statement has been sworn to by M. S. L. Peile, this 6th day of March, 1866, at Lagos.

(Signed) BENJAMIN WAY, Chief Magistrate.

Inclosure 6 in No. 43.

Rough List of Articles found on board the barque "Dahomey."

[See Inclosure in No. 26.]

Inclosure 7 in No. 43.

Statement of part of the Crew of the "Dahomey."

"Dahomey," at Sea, Lat. 7° 15' S., Long. 11° 40' E.,
April 3, 1866.

WE, whose names are below, do give the following statement as regards the Portuguese barque "Dahomey."

1. We joined this ship at Lisbon, and signed articles to come on board and go to the coast of Africa to take in a cargo of palm-oil. The cargo in the ship at the time being rum and tobacco, which was taken in at New York; the crew that came from New York in the ship being discharged, and a fresh crew joined.

2. The day after the man-of-war's boat's crew slept on board here; the coppers were headed up in a cask and sent on shore at Aghwey. Previous to this the irons were sent on shore.

3. We saw the above coppers come on board at Lisbon, but did not know then what they were for.

4. Since we have been on the coast there were a number of black women who came on board in chains, and this ship took them to Aghwey, where they were sent on shore.

5. We have had suspicion a long time that this ship was only waiting an opportunity to ship slaves.

- (Signed) FRANCISCO JOZE, A.B.
ANT. PEDRO GOMES, A.B.
ANTONIO DA COSTA GUIA, A.B.
JOZE FELICIANO, his X mark, A.B.
MANOEL CORREIA, his X mark, A.B.
FRANCISCO LORENCO, his X mark, Ord.
FRANCISCO ENNES, A.B.
JOAQUIM DE ALMEIDA, his X mark, Cooper.

Witness to signatures :

(Signed) FRED. CLARK, Her Majesty's ship "Espoir."

Inclosure 8 in No. 43.

MANIFEST of the Cargo taken from the Port of New York to Aghwey and a market, *vid* Lisbon, by the Portuguese vessel called "Dahomey," of the burden of 276 tons, whereof Jozé A. Fonseca is Captain, and Pereira and Medeiros Owners.

Bill of Lading.	Shippers.	Consignees.	Marks.	Nos.	Quantity and Quality of Packages.	Weight.	Description of Merchandize.	Value of Merchandize.	Origin of Merchandize.
	J. M. Bacigalupi	Pereira & Medeiros	S.	...	{ 219 pipes ... 41 half ... 42 quarts ... }	3,3643 gals.	West India rum ...	Dols. c. 15,079 68	Hava' aa.
	Ditto	Ditto	P. & M.	...	{ 15 barrels ... 30 octaves ... 25 hogheads ... }	625 gals.	Lisbon wine ...	504 0	List on.
	Ditto	Ditto	"	...	...	44,230 lbs.	Kentucky tobacco ...	12,247 75	American produc-
	Ditto	Ditto	"	...	7 cases ...	420 lbs.	Platform scales ...	233 0	Ditto.
	Ditto	Ditto	"	...	50 half-barrels ...	4,800 lbs.	Flour ...	252 50	Ditto.
	Ditto	Ditto	"	...	10 cases ...	1,000 lbs.	Boston crakes ...	185 50	Ditto.
	Ditto	Ditto	"	...	10 kegs ...	497 lbs.	Lard ...	133 0	Ditto.
	Ditto	Ditto	"	...	1 cask ...	323 lbs.	Butter, in kegs ...	118 43	Ditto.
	Ditto	Ditto	"	...	10 cases ...	100 gals.	Refined petroleum ...	91 50	Ditto.
	Ditto	Ditto	"	...	{ 8 barrels ... 8 barrels ... 8 barrels ... }	...	Tar ... Pitch ...	118 ()	Ditto.
	Ditto	Ditto	"	...	...	...	Lanterns ...	247	Ditto.
	Ditto	Ditto	None	...	21,086 pieces, measuring	19,876 feet.	1-in. white pine boards	477	Ditto.
	Ditto	Ditto	J. M. B.	...	Two cases (21,000) cigars	357 lbs.	Havana cigars ...	784	Havana.

New York, August 15, 1865.

(Signed) JOZE AUGUSTO DA FONSECA.

Como consta do conhecimento doze dos cascos com agoardente em cima mencionados forr am vazios.
Consulado-Geral de Portugal, em Nova York, aos 15 de Agosto, 1865.

(Signed) GUSTAV
En carregado do Consulado *
Geral.

(Seal.)

Inclosure 9 in No. 43.

Permit for the Blacks on board the barque "Dahomey."

(Translation.)

THE Civil and Military Government of the Portuguese Establishment of San João Baptista of Whydah.
Permit:—

José Augusto da Fonseca, captain of the Portuguese barque "*Dahomey*," has permission to ship for the period during which he is loading on this coast; for working on board the said vessel the blacks João and Daú, of the Nago country, and Guilherme Oussa; and that no impediment should be interposed by any national or foreign authority, I have given the present, which I sign, and have caused to be sealed with the seal of the Royal Arms of Portugal.

*Residence of the Civil and Military Governor of the Portuguese Establishment
of St. João Baptista of Whydah, December 1, 1865.*

(Signed) FRANCISCO FELIZ DE SOUZA,
Governor of the Establishment.

No. 44.

Her Majesty's Commissioner to Lord Stanley.—(Received November 14.)

My Lord,

Loanda, September 19, 1866.

I HAVE the honour to report to your Lordship that, on the morning of the 5th instant, his Excellency the Governor-General called on me for the purpose of informing me that a powerful steam-vessel might shortly be expected on the coast for the purpose of shipping a cargo of slaves between Ambrizette and Point Padrone. I received information from another source that the steamer in question was provided with steam launches.

The Portuguese steam-corvette sailed during the night of the 5th for the purpose, as I understood, of cruising about the suspected points; but after visiting the River Congo, she returned in a few days, and took up the moorings in this harbour, that she has occupied during nearly the whole of the time that she has been on this Commission.

I was fortunately enabled to communicate the above intelligence to the Senior Officer, Commander Trollope, of Her Majesty's ship "*Snipe*," having most kindly acceded to my request to convey to that officer the despatch of which I have the honour to transmit a copy.

I am at present without any further information to communicate.

I have, &c.

(Signed) W. VREDENBURG.

Inclosure in No. 44.

Her Majesty's Commissioner to Commander Peile.

Sir,

Loanda, September 5, 1866.

HIS Excellency the Governor-General this morning honoured me with a visit for the purpose of informing me that he had received intelligence that a steamer may be immediately expected on the coast with the object of shipping a cargo of slaves. According to the information in the possession of his Excellency, the shipment is intended to be attempted between Ambrizette and Point Padrone, probably in the neighbourhood of Mangue and Macula. The steamer is represented to be of great force and power, and I have heard since my interview with the Governor-General that she is provided with a number of steam launches.

The Portuguese steam-corvette, "*Infante Don João*," sailed last night for the suspected points, and the opportune arrival of Her Majesty's ship "*Snipe*," enables me to transmit the above intelligence to you, Commander Trollope having, at my request, kindly and promptly consented to be the bearer of this despatch as soon as he shall have taken sufficient coal on board to enable him to join you.

If I am right in my suspicion as to the source whence the Governor-General obtained his information, every reliance may be placed on its correctness; and your well-known zeal, activity, and ability, are sufficient guarantee that the small force at your disposal will be employed in the most efficient and advantageous manner.

I have, &c.

(Signed) W. VREDENBURG.

No. 45.

Her Majesty's Commissioner to Lord Stanley.—(Received December 12.)

My Lord,

Loanda, October 5, 1866.

I HAVE the honour to transmit, in obedience to instructions conveyed in despatch of the 18th June, 1866, my Annual Report on the Slave Trade for the year ending the 30th September, 1866.

I have, &c.

(Signed) W. VREDENBURG.

Inclosure in No. 45.

Annual Report on the Slave Trade.

ON the 6th October, 1865, a brigantine fully equipped for the Slave Trade, was captured by Her Majesty's ship "Jaseur," off Mangué Grande. On the 17th of this present month a brigantine, also fully equipped, was taken off Moanda by Her Majesty's ship "Espoir;" both of the above vessels were captured before they had received the slaves on board, and were without flags, papers, or other proofs of nationality. In the month of October or November of last year, the Portuguese brig "Aurora" effected the shipment of a cargo of slaves from the coast of Benguela, with which she succeeded in escaping. I have no knowledge, nor do I think that any other attempt to ship slaves was made on the south coast since the date of my last report; and it will be observed that the only successful embarkation was made from the Portuguese territory. The intention of the late Governor-General Andrade to return to Lisbon had been for some time well known, and advantage was taken of the interregnum, when the affairs of the province were under the administration of the Council of Government to effect the shipment by the "Aurora." I might here conclude my report, so far as relates to the Cuban Slave Trade during the past year; and had I made this report a month ago, I should have stated that I saw no immediate probability of its being revived. There can be no doubt that many persons who were previously engaged in the Slave Trade, have entirely renounced that iniquitous traffic, and turned their attention to legitimate trade, under the conviction that their profits will be not only more certain but larger; but I was startled by receiving, on the 3rd of this month, information from the Governor-General, that a powerful steam-vessel might be shortly expected, for the purpose of shipping a cargo of slaves. I have some doubts as to the fact of a steamer arriving; but I have reason to believe that the vessel captured on the 17th by Her Majesty's ship "Espoir," is but the first of many others that may be expected. Senhor Levas, of Lisbon, is the person who has despatched the greater number of vessels that have been engaged in the Slave Trade during the last three years, and as almost the whole of them have been taken, he must be fast losing the large fortune he made in slave trading.

I have no change to report in the system of sending slaves from this province to S. Thomé, under the names of libertos, a considerable number of small craft, each carrying ten, are still constantly and solely employed in this service, there being little or no legitimate trade between this port and the island. It is now nearly three years since I was informed by the French Admiral that an extensive Slave Trade was carried on between the Islands of Principe and S. Thomé, and the coast in the neighbourhood of the River Cama; and in my report for the year ending the 30th September, 1864, I stated that "the coast between the Gaboon and Cape St. Catherine will furnish the principal supply, as it hitherto has done." That statement has latterly been fully confirmed by Commander Erskine of Her Majesty's ship "Speedwell," who visited that part of the coast for the express purpose of ascertaining to what extent the Slave Trade was carried on in that district. He informed me that a number of canoes and other craft, some capable of carrying as many as 30 negroes, were constantly employed in the conveyance of slaves to S. Thomé and Principe. Whatever question may be raised by the Portuguese Government as to their right to send negroes under the name of libertos, from this province to S. Thomé, with the sanction and permission of the Colonial Authorities, there can be no doubt that these importations into the island from the neighbourhood of the River Cama and Cape St. Catherine is the Slave Trade, simple and undisguised. Those places are to the northward of the territory to which the Portuguese lay claim, and they have there no Authorities to sanction the shipment of slaves either as libertos or under any other designation. The Slave Trade obligations contracted by the Portuguese Government must, I imagine, prohibit not only the exportation, but the fraudulent importation of slaves into their possessions and territories; and there cannot be a doubt that a very considerable number of them have during the last four years been introduced into the Islands of S. Thomé and Principe.

It is with the greatest satisfaction that I am able to report that his Excellency the Governor-General has fully carried out the determination that he expressed on taking charge of the Government, to use all the means in his power to put an end to the Slave Trade in the Portuguese possessions. I have heard of no shipment of slaves since his arrival, and he has removed all officials against whom existed any suspicion of lukewarmness or connivance. The late Governor-General, Senhor Andrade, was actuated by the same sentiments and desires; nevertheless there can be no doubt that a considerable Slave Trade was carried on from the Coast of Benguela during his Administration. The subordinate Authorities could, if they were so disposed, prevent any shipment of slaves within the districts under their charge, but the punishment of offenders would rest after all with the Judicial Authorities, and the fine and subtle distinctions which I have been informed obtain in the Portuguese law, as to the inception, prosecution or consummation of the crime, and the different degree of punishment allotted to each offence, render their conviction exceedingly problematical and uncertain.

Loanda, September 30, 1866.

(Signed) W. VREDENBURG,
Her Majesty's Commissioner.

No. 46.

Mr. Egerton to Her Majesty's Commissioner.

Sir,

Foreign Office, December 18, 1866.

I AM directed by Lord Stanley to transmit to you the accompanying copy of a letter addressed by Commodore Hornby to the Secretary to the Admiralty, which has been communicated to this Department by the Admiralty, from which it would appear that Commander Peile, of Her Majesty's ship "Espoir," applied to you for an official report of the result of the trial in the Mixed Commission Court at Loanda of the Portuguese barque "Dahomey," and that you declined to furnish him with the papers he required, but offered to procure them from the Portuguese Secretary of the Court on Commander Peile's undertaking to remunerate that officer for his trouble.

I am to state that, as the Commanders of British cruisers are now required by their instructions to forward to the Secretary to the Admiralty copies of the proceedings in the cases of vessels taken for adjudication before the Mixed Commission Courts,

Lord Stanley does not see why copies of the proceedings in the case of the "*Dahomey*" should not have been supplied by you to Commander Peile on his applying for them, inasmuch as his Lordship concludes that, as British Commissioner, you have access to the archives of the Court, and the services of the British Clerk might have been made available to make the requisite copies as soon as the first copies had been made for this Office.

Lord Stanley desires that, for the future, copies of the proceedings in the cases for adjudication before the Mixed Commission Court at Loanda may be supplied to the Commander of the British cruiser making the capture.

I have, &c.
(Signed) E. C. EGERTON.

No. 47.

Her Majesty's Commissioner to Lord Stanley.—(Received December 31.)

My Lord,

Loanda, November 17, 1866.

I HAVE the honour to inform your Lordship that, on the 27th July, the United States' steam-sloop "*Juniata*," six guns, Captain Almy, arrived at this port direct from Brazil; she remained here about eight or ten days, and having taken on board coals and provisions, returned to Brazil, touching at Great and Little Fish Bays. As it was impossible for me, under the circumstances, to consider the "*Juniata*" as belonging to the squadron that the United States are bound by Treaty to maintain on the coast, I did not consider it necessary to report her arrival.

On the 11th instant the United States' steam-sloop "*Shamrock*," 10 guns, Captain Hopkins, arrived here from Lisbon. This vessel visited, I have been informed, the whole of the coast to the northward, and, after completing her coals and provisions, will, in a few days, return direct to Lisbon.

From the information that I have been able to obtain, it would appear that the intention of the United States' Government is to detach from time to time one of the vessels from the Brazilian or Mediterranean squadron, but they do not propose to maintain a squadron permanently on the Coast of Africa.

I have, &c.
(Signed) W. VREDENBURG.

LOANDA. (*Board of Superintendence.*)

No. 48.

Her Majesty's Commissioner to Earl Russell.—(Received February 16.)

My Lord,

Loanda, January 3, 1866.

I HAVE the honour to transmit a translation of the Report of the Curator of Liberated Africans for the last quarter.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 48.

Report of the Curator of Liberated Africans for the Quarter ending December 31, 1865.

(Translation.)

I HAVE the honour to inform the Board of Superintendence that during the course of the quarter ending to-day I visited from time to time the libertos under charge of the Board, and found as follows:—

1. That they all received proper treatment.

2. That the libertos granted to private individuals are employed some in domestic service and others as labourers in the suburbs of the city, and those granted to the Municipal Chamber are in the service of the Municipality.

3. That the liberto *Januario*, who was at the station, has died, and *Augusto Julio Malonga* and *Jerosabe* absconded on the 16th of last month.

4. That of the fifty-four who were in existence at the end of the year 1864 there now remain thirty-eight, because during the current year ten had complete liberty, two died, and four ran away, as is shown in my quarterly Returns.

Loanda, December 31, 1865.

(Signed)

M. A. DE CASTRO FRANCINA, *Curator.*

No. 49.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received May 31.)

My Lord,

Loanda, April 13, 1866.

I HAVE the honour to transmit a translation of the Report of the Curator of Liberated Africans for the last quarter.

Your Lordship will observe that at a session held on the 17th February complete liberty was granted to twenty libertos; there are now but fifteen, whose names are subjoined to the Report, under charge of the Board of Superintendence. They are too young at present to be thrown on their own resources; it is probable, however, that next year many of them will be in a position to gain their own living, and will no longer need the protection of the Board.

I carefully inspected the whole of the libertos on the occasion above referred to, and found them clean, well clad, and in good health and condition.

I have, &c.

(Signed)

W. VREDENBURG.

Inclosure in No. 49.

Report of the Curator of Liberated Africans for the Quarter ending March 31, 1866.

(Translation.)

I HAVE the honour to inform the Board of Superintendence that during the quarter ending this day, having several times visited the libertos under the charge of the said Board, I found—

1. That they all received proper treatment.

2. That of the libertos granted to private persons some were employed in domestic service and some as labourers in the suburbs of the city.

3. That since last January, when they ran away, the libertos *Joaquim Agostinho*, *Manoel Vemba*, *Paula Bengue*, *Domingos Massamba*, and *Mangari* have been absent.

4. That the libertos *Augusto* and *Malonga*, who, as stated in the Report for the fourth quarter of last year, were absent, have returned to the barracks; as also the libertos *Paulo Maiene* and *Manuel Mongo*, who remained in the service of the Municipal Chamber.

5. That on the 17th of last month full liberty was given to the libertos *Marcelino Malonga*, *Emigdio Mannanna*, *Tiberio Sumbo*, *Paulo Panzo*, *Paulo Maiene*, *Manuel Mongo*, *Augustinho Paulo Matenda*, *Antonia Finlo*, *Christina Catharina Melande*, *Mariana Quembe*, *Mariana Massanga*, *Josepha Quanana*, *Pedro Panzo*, *Carolina*, *Luzia Pute*, *Joaquina Mafula*, *Catherina Macambia*, *Mariana Muquenza*, and *Paulo Sumbo*; there remaining, this day, fifteen.

Loanda, March 31, 1866.

(Signed)

M. A. DE CASTRO FRANCINA, *Curator.*

Nominal List of the remaining Libertos.

1. Cicero Maiala.
2. Gervasio Manque.
3. Hypolito.
4. Alvaro Bemba.
5. João Congo.
6. Izidor Tapioca.
7. Christovão Muahi.
8. Guilhermina Macamba.

9. Amalia Cambiza.
10. Mariana.
11. Maria Mangalla.
12. Maria Guengue.
13. Candida Mulogi.
14. Leocadia Monabize.
15. Virginia.

Dated as above.

(Signed)

M. A. DE CASTRO FRANCINA.

No. 50.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received September 10.)

My Lord,

Loanda, July 6, 1866.

I HAVE the honour to transmit translation of the Report of the Curator of Liberated Africans for the last quarter.

CLASS A.

As the Curator stated that a number of libertos were in a condition to receive letters of complete liberty, the Board met yesterday for the purpose of taking the question into consideration. The libertos were submitted to inspection, and orders given that papers should be prepared granting complete liberty to eleven of them.

There are now, I think, but six libertos under charge of the Board. I have desired the Curator to furnish me with a detailed statement from the date of the last with which he supplied me, which I will compare with the papers in my archives for the purpose of ascertaining whether the whole of the libertos have been properly accounted for. As there are now so few in charge of the Board, I have suggested to the Governor-General the advisability of reducing the salary of the Curator.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 50.

Report of the Curator of Liberated Africans for the Quarter ending June 30, 1866.

(Translation.)

I HAVE to inform the Board of Superintendence, that in the course of the quarter this day ending, having visited several times the libertos under the charge of the said Board, I found—

1. That they were all properly treated.
2. That the libertos Igostinho Joaquim and Manuel Vemba, who as appears by my last report had run away, returned to the barracks.
3. That the libertos João Congo, Isidoro Tapioca, Christovão Muahi, Guilhermina Maiamba, Amalia Cambiza, Marianna, Maria Mangula and Maria Guengue, who were in the service of D. Thereza de Aguiar Castro, were returned to the barracks; as also the libertos Muloge and Monabize, who were in the service of Luiz Gomes de Carvalho Vieira.

4. That all the libertos above-mentioned, as well as Alvaro Bembe, are on account of their good conduct fit to receive complete liberty.

Loanda, June 30, 1866.

(Signed) M. A. DE CASTRO FRANCINA, *Curator.*

No. 51.

Her Majesty's Commissioner to Lord Stanley.—(Received November 14.)

My Lord,

Loanda, October 1, 1866.

I HAVE the honour to transmit a translation of the Report of the Curator for the Quarter ended yesterday.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 51.

Report of the Curator of Liberated Africans for the Quarter ending September 30, 1866.

(Translation.)

I HAVE the honour to inform the Board of Superintendence of Liberated Africans, that in the course of the quarter ending this day, having several times visited the libertos under the charge of the said Board, I found—

1. That all received proper treatment.
2. That on the 4th July last, complete liberty was given to the libertos João Congo, Isidoro Tapioca, Christovão Muahi, Guilhermina Maiamba, Amalia Cambiza, Marianna, Maria Mangula, Maria Guenge, Candida Muloge, Leocadia Munambize, and Alvaro Bemba.
3. That of the six libertos remaining under the care of the Board, five are engaged in the public service, and one in the employ of a private person.

Loanda, September 30, 1866.

(Signed) M. A. DE CASTRO FRANCINA, *Curator.*

NEW YORK.

No. 52.

Her Majesty's Commissioner to the Earl of Clarendon.—(Received January 22.)

My Lord,

New York, January 2, 1866.

I HAVE the honour to report to your Lordship that no case has been brought for adjudication before the Court of Mixed Commission established at New York under the Treaty between Great Britain and the United States of America for the suppression of the African Slave Trade during the year ended on the 31st ultimo.

I have, &c.

(Signed) E. M. ARCHIBALD.

REPORTS FROM NAVAL OFFICERS.

WEST COAST OF AFRICA STATION.

No. 53.

Commodore Wilmot to the Secretary to the Admiralty.

(Extract.)

"Rattlesnake," Sierra Leone, December 19, 1865.

THERE is a suspected Portuguese barque ("*Dahomey*") in the Bights which Commander Peile has every reason to think has come out for slaves. He is watching her very closely, and their Lordships may be assured that no opportunity will be given for shipping slaves.

No. 54.

Commodore Wilmot to the Secretary to the Admiralty.

Sir,

"Rattlesnake," at Sierra Leone, December 19, 1865.

1. I HAVE the honour to inclose for the information of the Lords Commissioners of the Admiralty the proceedings of Lieutenant G. T. Morrell, commanding the "*Investigator*" when up the River Niger, during the month of October last.

2. It will be a source of satisfaction to their Lordships to hear that this vessel returned to Lagos without a single case of fever having occurred on board.

I have, &c.

(Signed) A. P. EARDLEY WILMOT.

Inclosure 1 in No. 54.

Lieutenant-Commander Morrell to Commodore Wilmot.

Sir,

"Investigator," Lagos, November 2, 1865.

I HAVE the honour to report to you that on the 2nd of October I crossed the Bar at the entrance of the Niger in the steam-vessel under my command, and anchored off the West African Company's factory above Akassa, at about half-past 10 the same forenoon, and having been informed that they could spare us coal on our return I only landed seven tons of coal as the river was overflowed, and wood very difficult to be obtained.

At 2 P.M. I weighed under steam up Louis's Creek, and anchored in the evening about three miles below Liambre, a village containing about 500 inhabitants.

The next morning at daylight I proceeded up the river, the ebb-tide setting very strong about $2\frac{1}{2}$ knots an hour; passed several villages where a number of canoes displayed their trade flag (native owner's name and union jack in corner), and about 6 P.M. anchored off Taylor's Creek, a short distance above Hippatami of Baikie, a hostile village.

On Wednesday the 4th October weighed again, and proceeded as far as Abo, where we anchored about 6 P.M.

About daylight on Thursday left Abo and proceeded up the river, the current running down very strong, and the navigation very intricate. At 7 P.M. finding that we could hardly stem the current with full steam, I anchored off Onitsha about 100 yards from the shore.

Friday 6th, the tide was so very strong that we had difficulty in weighing the anchor; steamed in to anchor off the village, the tide caught ship on the bow and carried away head of fore-topmast against a large tree.

I went on shore to make arrangements about getting wood, when the Rev. Mr. Taylor met me and presented me with a petition, a copy of which is inclosed (Inclosure No. 2). I then went with the resident agent, Mr. Maxwell, and interpreter to have an interview with King Obi Massaba; after asking him whether he had sanctioned the ill-treatment of our missionaries, and telling him that Her Majesty trusted to him to protect them, I called his attention to the Treaties and informed him that should any Englishman, or any of our missionaries, be ill-treated in his country he would bring great punishment on the country for breaking the Treaty he had made. He told

me he would make new laws, and that everything would be as I wished; he appeared annoyed at Mr. Taylor's not going to him when he sent for him.

He inquired how it was that the Queen had sent presents to other Kings and had never sent him anything. I replied that Her Majesty had sent him a present, but that when I heard that he had ill-treated our missionaries I would not take it to him, but now that everything was right I would send it to him; I therefore bought a piece of velvet, and presented it to him in the Queen's name. I left Onitsha at 2 P.M., and anchored in the evening about two miles above Lake Island.

At 8 P.M. of the 8th, anchored off Lukoja, and communicated with the Resident Agent, Lieutenant Bouchier. The next day Mr. Maxwell (the new Resident Agent) wrote and requested me to deliver Her Majesty's presents to the Emir Massaba, and as I thought it advisable to do so, started the next morning and arrived at Egga on the afternoon of the 11th, where, not deeming it safe to take the "Investigator" any further, I procured a six-oared boat and proceeded for Bida, where we arrived on the morning of the 15th.

We were met on shore by the King's Secretary and a large retinue, accompanied by a large mob, armed and shouting, and making a great noise with the tum-tums, and at 9 A.M. we dismounted at the King's residence, and had an interview with him.

He said he did not like new faces when I introduced Mr. Maxwell as Her Majesty's new Resident Agent, and that he would not let Lieutenant Bouchier go away, and told us to go home and rest. We were then shown into a grand suite of apartments, in front of which were an abundance of fowl and sheep killed ready for use; a large quantity of wood cut ready for cutting [*sic*], mats, &c., which we might require.

The King sent us six bags of cowries to pay the men for bringing his presents to us; he also sent two or three times a-day to inquire if we wanted anything.

This morning (16th), the King, Massaba, desired an interview with us, and seemed anxious that we should remain some time, but I impressed upon him the necessity of our reaching the mouth of the river as soon as possible, as the water was falling rapidly.

In the afternoon I presented Her Majesty's presents to him, consisting of a double-barrelled gun, a sword, a cuirass, pair of revolvers, and a quantity of ammunition. He appeared much delighted with them, and showed them to the different Chiefs and natives around him. He then took us up to his stud of horses, and told us to select one for Her Majesty, and one for Captain Glover, and also gave one to Lieutenant Bouchier. He now dismissed us; said he would sleep over it, and see us again to-morrow.

On the morrow the King sent for us again; showed us all his curiosities, and sent a country dress to each officer of the "Investigator."

In the afternoon the King informed me that there was a missionary on the opposite side of the river at Gbebe, and that if he remained there he could not be answerable for his life, and that he must reside at Lukoja; that he must leave Gbebe at once, and he, the King, would protect him.

He also said he was very much pleased that the "Investigator" had come up, and also the "Thomas Bazley;" that he wanted plenty of trade with the white men, and that he was very glad a steamer was coming up every year to trade, as he could always fill her with ivory, jute, palm oil, and shea butter, and lead ore and cotton. He liked English people; they spoke true; he could depend upon what they said, and he would do anything for white men. He also informed the Resident Agent that if any person made mischief at Lukoja, or told him lies, to send him to the King, where he would be punished.

After he had expressed his wish that Her Majesty should be made acquainted with all he had said, he dismissed us, and saw us depart on horseback for Wimanza.

At 8 P.M. on the 18th we arrived at Egga, where we found that "Investigator" had been obliged to proceed to Lukoja, as the water was falling, and on the following day at 5 P.M. arrived on board "Investigator."

In the evening saluted Mr. Maxwell with eleven guns on landing to take up his situation as Resident Agent at Lukoja.

On the 24th, as the river was falling fast, I considered it unsafe to remain any longer for the presents, and therefore proceeded down the river, and at 11 A.M. the ship took the ground (soft mud), but was got off in about three hours without having sustained much damage, and anchored off Onitsha the next afternoon, when I had an interview with King Obi Akazna.

Bishop Crowther met me and thanked me for the steps I had taken, and said that the King had altered the laws and made everything peaceable, and that he thought everything now was settled.

The King promised to keep everything quiet in his country, and to protect our missionaries, and wished me to bring him some red beads next visit.

On the afternoon of the 28th anchored off the entrance of the river, having lost much time purchasing wood in small quantities from canoes on the way down, and also by the kroomen being sent on shore to cut wood.

On the 30th having taken on board the seven tons of coal which I had landed, and also seven tons more which I purchased from the West African Company, I proceeded across the Nun Bar, and steamed for Lagos, where I arrived this morning at 7 A.M.

The performance of the engines and boiler was much more satisfactory than I ever expected.

I cannot close this Report without expressing the great satisfaction I feel in bearing testimony to the exertions of the officers and ship's company to forward the expedition, and I have specially to mention the great care, kindness, and attention shown by Dr. Wheatman, the medical officer of this ship, towards every one, owing to which, in a great measure, the "Investigator" has returned to Lagos without a single case of fever having occurred.

I have, &c.
(Signed) G. J. T. MORRELL.

Inclosure 2 in No. 54.

The Rev. J. Taylor and others to Lieutenant-Commander Morrell.

Dear Sir,

Onitsha, September, 1865.

WE, the undersigned British subjects and Agents of the Church Missionary Society, presume to bring before Her Majesty's Commissioners now in the river, our repeated grievances which we have from time to time received during these three years from the King of Onitsha and his subjects. We have borne and are still bearing these repeated provocations, and now, finding things begin to wear a different aspect for the worse, we are obliged to seek protection from Her Majesty's gun-boat.

We beg your patience to hear our complaints :—

1. Since the plot at Aboh, in which the late Mr. Mac Gregor Laird's things were confiscated, and no question was asked, no examination whatever had taken place, and the things had never been restored, prompted the insatiable King and his subjects to stretch their craving appetite to rob the factory in 1860, through the instigation of the Aboh people. Happily this was overruled by the good Providence of God. To use their own expression, "The English are fools and cowards; they are women, what can they do."

2. Our properties are not safe; for instance, our wives and servants taking clothes to wash, they will daringly rob and forcibly carry them away. We complained to the native authority, but no redress in return. Three times we have suffered great losses of wearing apparel, but in vain have we tried to restore our stolen properties. Our wives have been from time to time annoyed by robbers in the brook, and we have laid our grievances to the King and his Chiefs. Sometimes they seemed to stir up themselves in order to seek them. After all it dies away without the things being restored to this day. Our servants are not safe whenever they are sent on an errand. Oftentimes they plunder and beat them mercilessly without cause, to our great mortification.

3. We deeply sorry to lay before you that our lives have been threatened from time to time, and now it seems to us that after the death of Prince Odiri, the King is aiding his Chiefs to carry out this atrocious deed to perfection. Twice he stated to his Councillors that he is of opinion to drive us away from his country, and plunder the property of the West African Company (Limited), and that of the Church Missionary Society, as well as our own personal properties. Whether he spoke to frighten us, or whether he meant what he had said, we know not; but we do not think it out of place to lay these things openly to you, and beg your kind interference for the safety of our lives, and the large amount of property in this place.

The property of the converts have been from time to time confiscated by the authorities in this country, and now they unanimously asked us to be remembered to you that you may be so kind to undertake for them also. Meanwhile, we have been labouring amongst them in peace, and strictly adhere to the principle of peace, and still maintain it; but to be insulted by the native authority in this way we cannot stoop, lest they will stretch by degrees to carry out their vicious intention against us if timely measures be not taken by you to suppress it.

Lastly. We beg to urge Her Majesty's gun-boat to press the second clause of the Treaty between Her Majesty the Queen and the King, as well as the Chiefs of Onitsha, which states as follows :—

"That they will guarantee the personal safety of such missionaries, merchants, and others, as well as their property, houses, goods, &c."

We do not wish to dictate to Her Majesty's Representative in the river how to act for us in this case.

Native authority never like easiness; on the contrary, a word of good scolding from you will not fail to produce its salutary effects in their minds before they will desist from all provocations and personal injury.

We have, &c.

(Signed)

J. E. TAYLOR.
ISAAC MOS GEORGE.
W. G. ROMAINE.
THOS AYSHU.
O. E. COLE.
FRANCIS LANGLEY.
WILLIAM GEORGE.
JAMES MACAULLEY, his mark.
JACOB P. ROMAINE.

Inclosure 3 in No. 54.

Bishop Crowther to Lieutenant-Commander Morrell.

Dear Sir,

River Nun, October 30, 1865.

AS the "Thomas Bazley" is not going to Lagos this week, and I am anxious to meet the homeward mail in November, I shall feel very much obliged if you will give me, and five other persons connected with me, passage to Lagos, namely, my two sons, two servants, and one girl for school at Lagos.

I cannot close this without acknowledging with my warmest thanks your kind and seasonable remonstrances with the King of Onitsha, showing him the unreasonableness and cruelty of the law restricting selling provisions to the Mission Agents, and preventing the Christian converts attending church, mixing them with matters belonging to trading establishments over which they had no control.

They have not only immediately removed the restriction on your interference on behalf of the Mission Agents and converts, but the Chiefs have acknowledged their error and the rashness of the law, and solemnly promised never to allow such a thing to take place again.

This will show to you and to the authorities what invaluable services are rendered to trade and missionary cause by a yearly short visit of a gun-boat to the River Niger.

I remain, &c.

(Signed) NIGER, *Bishop.*

Inclosure 4 in No. 54.

Mr. Maxwell to Lieutenant-Commander Morrell.

Sir,

"Investigator," Lukoja, October 9, 1865.

I HAVE the honour to inform you that I have this day assumed charge of the Niger expedition stationed at this place.

I have to inform you that my predecessor, Lieutenant Bouchier, R.M.L.I., considers it most necessary for the future benefit of this expedition that, should it be possible, Her Majesty's ship under your command should proceed further up the Kwora in order to deliver Her Majesty's letter and presents to the Emir Masabá, and in this opinion I fully concur.

Should you, however, not deem it advisable to proceed further up, I have to request that you will remain here,

at least four days, in order that I may obtain all requisite information relative to the present state of the expedition, from Lieutenant Bouchier, previous to his departure.

I have, &c.
(Signed) MELVILLE, MAXWELL,
In charge of the Niger Expedition.

No. 55.

Commander Peile to Commodore Wilmot.

Sir,

"Espoir," Bonny, December 28, 1865.

I HAVE the honour to report that on the afternoon of the 8th instant, I left Lagos roads for the purpose of proceeding to Fernando Po to carry out instructions received from you in your memorandum dated November 2, 1865, respecting a schooner with slaves having been run on shore in Bonito Bay, and the slaves having been captured by the natives on the coast. I arrived and anchored in the Bay of Fernando Po on the night of the 11th. The following morning I waited on Mr. Livingstone, Her Majesty's Consul, and informed him of the object of my visit.

From him I learnt that Mr. Conche, master of "Phrenologist" of Liverpool, was in the town, so I requested and obtained an interview with him. From Mr. Conche I could gain but little information, further than Mr. Livingstone's report to Earl Russell in his letter dated Fernando Po, July 19, 1865. He described the schooner as being a vessel of between 160 and 180 tons, and said that the flag she had at her peak appeared to him to be black. He rectified two mistakes in the copy of Mr. Livingstone's letter (possibly clerical errors), viz., natives of Zambesi, Mumba Point, should have been natives of Corisco, Umbro Point, and Cape Exterior should have been Cape Exterias.

When paying my respects to his Excellency the Governor of Fernando Po, I learnt from Señor Mersius, supercargo of the Spanish brig "Isabel," that a schooner of about 50 tons named the "Congo" (Portuguese), whose master had died on the voyage from St. Paul de Loanda to Prince's Island, had been run on shore by the mate (a black man) some few miles to the north of Cape St. John's, and that the crew and some libertos men (freed slaves) had been captured by the natives some time in May last; that Señor Prelo, a Spanish trader at Bonito, had ransomed from the natives the mate and four other men, and had sent the latter to Fernando Po in his schooner the "Balbina;" he also said that the present mate of the "Isabel" had been the captain of the "Balbina" when she conveyed the four men to Fernando Po. I therefore saw the mate on the subject, and he in every point confirmed the statement made by Señor Mersius.

Señor Mersius also told me that if I went to Elobey and Corisco Islands I could gain every particular on the subject from the traders at the former, and Mr. Clarke, American missionary, at the latter; and that they would be certain to know if any other vessel had been wrecked or plundered on any part of the coast between Bonito and Cape Clara, as the natives on the island and those on the main land had so intermarried as to make them one and the same tribe.

I therefore, on the 14th December, started for Small Elobey Island, and anchored there on the evening of the 16th. I immediately went on shore and had an interview with the five white traders living there, all of whom are agents or clerks to different English firms. They confirmed in every particular all I had been told by Señor Mersius and the mate of the Spanish brig "Isabel." One of the gentlemen, Mr. Hooper, agent to the house of Thomson, Perry, and Co., of Liverpool, stated that he was actually on board the "Phrenologist," and saw the schooner alluded to by Mr. Conche. He laughed at the idea of his reporting her to be a vessel of 160 tons, and he said he was perfectly certain that she could not have been more than 50 or 60 tons at the most.

Mr. Hooper and the four other gentlemen positively assured me that no other vessel than the "Congo" had been wrecked on the coast or plundered by the natives for upwards of two years, for had such been the case they would for a certainty have heard of it.

The following morning I left Elobey, and anchored off Corisco at 9 A.M.; soon after Mr. Clarke paid me a visit. The information I gathered from him was in every respect similar to that given me at Elobey, with the addition that the Spanish priest at that place had taken from the natives four sailors and two libertos men, late of the "Congo." He had also seen the schooner alluded to by Captain Conche, and described her as a vessel of about fifty tons. Mr. Clarke also said that he was quite certain no other vessel than the "Congo" had been wrecked on that part of the coast or plundered by the

natives for some time past. I may also here add that I gave one of the Chiefs of Corisco Island a passage from Elobey to Corisco; he is a man of great intelligence, and the information I gathered from him coincided in every respect with what I had before heard, with the exception that he said the "Congo" did not touch the shore, but went away to sea after the men and property had been taken out of her.

I then weighed for Bonito, and arrived there about 6 o'clock the same evening. Señor Prelo almost immediately came off to the ship, and I questioned him respecting a large black schooner of about 150 tons having been wrecked on that part of the coast. He said he was perfectly certain that no such vessel had been wrecked, but told me of the "Congo," and said that he would give me every particular about her, as the mate, who, after the captain's death, had taken charge of the schooner, was in his employ and at his house on shore.

I therefore went on shore with him and had a personal interview with the mate, who is a black man, and not in any way superior to the common black boatmen. The following is his statement, viz. :—

"I left St. Paul's de Loanda in the Portuguese schooner 'Congo' (Senhor José Maria Arimbo, master; Desprado and Co., of Prince's and St. Thomas' Islands, owners) for Prince's and St. Thomas' Islands, with a crew of captain, six men, and twenty-five libertos.

"When some way on the voyage the captain died, and I and none of the crew being able to navigate, did not know where to go to; so we tacked about on the coast until about off Bassuka Point, where several canoes full of natives attacked us. Only one of our men showed fight, and he was instantly cut down and killed by the natives. The rest of us were made prisoners, and everything but two bullocks taken out of our vessel. The natives then saw a vessel which they imagined to be a steamer, so they set the schooner's foresail and sent her to sea.

"The priest of Corisco Island took from the natives four sailors and two libertos, and Señor Prelo ransomed myself and four others. I suppose the remainder of the 'Congo's' crew and libertos men are now slaves inland."

I have been informed that the Spanish Government at Fernando Po. on hearing of the affair of the "Congo," sent a gun-vessel to punish the offenders, but that they were unsuccessful in capturing any of the chiefs or ringleaders, one slave only having fallen into their hands. He was taken in the gun-vessel to Fernando Po.

I can assure you, Sir, I have used every endeavour to gain information respecting the duty on which I have been engaged, and I feel perfectly satisfied that no such schooner as that described by Mr. Conche has been either seen, wrecked, or plundered on this part of the coast; and I have no doubt that the information he received from the natives of Corisco at Umbro Point was founded solely on the circumstances connected with the "Congo."

I particularly interrogated Mr. Conche respecting the report of the wrecked vessel having been bound for the Brazils, and he allowed that the natives merely mentioned the name of Brazils as a place likely for the slaves to be going to.

I have, &c.
(Signed) M. S. L. PEILE.

No. 56.

Acting Lieutenant Greenbrow to Commodore Hornby.

Sir,

Ascension, January 15, 1866.

IN accordance with orders received from Commander Walter J. Hunt Grubbe, of Her Majesty's ship "Jaseur," directing me to report my proceedings to you should an opportunity offer, I have to report as follows:—

On the 6th October, 1865, I parted company with Her Majesty's ship "Jaseur," off Cape Deceit, in charge of a brigantine, name and nation unknown, of 174 tons, captured by Her Majesty's ships "Jaseur" and "Ranger," and reached St. Helena on October 24th, when I reported my arrival to the Queen's Proctor, who caused legal proceedings to be taken against the vessel in the Vice-Admiralty Court, where she was condemned. Myself and crew went on shore to lodgings until December 21, when I left by the mail for Ascension, where I arrived on the 25th December.

I have, &c.
(Signed) J. E. GREENBROW.

No. 57.

Commodore Wilmot to the Secretary to the Admiralty.

Sir,

"Rattlesnake," December 26, 1866.

I HAVE the honour most respectfully to bring again before the notice of the Lords Commissioners of the Admiralty, with the view of its obtaining the sanction of Her Majesty's Government, the proposition which I made some three years ago, relative to the extension of the line of traffic as at present carried out by the African Mail Steam-ship Company on the West Coast of Africa.

The present contract expires in September of the present year, and the new contract entered into by the Company commences in that month, at a reduced yearly subsidy of 10,000*l.*, or from 30,000*l.* to 20,000*l.* per annum.

There is, however, to be no alteration in the line as maintained by the Company in the former contract, with the exception of leaving out the Brass River as a place of call.

The trade in this river is chiefly carried on in sailing-vessels, and the postal receipts are very trifling.

I have had a personal interview with the Secretary of this Company, and he is authorized by the Directors to make the following proposals:—

For an increase of 7,500*l.* per annum the Company will extend their monthly line to St. Paul de Loanda, and commence at once to do so, without waiting for the expiration of the old contract, calling at different places for the accommodation of their Lordships, and for their own convenience.

I need scarcely repeat what an excellent thing this would be, not only for the comfort and convenience of the whole squadron, but for assisting in the suppression of the Slave Trade.

The appearance of a steamer running along the coast, in addition to our own cruizer, would impress upon the Chiefs and natives a feeling of insecurity if they attempted a shipment. It would not be necessary, as at present, to send a cruizer from off her station to Fernando Po for the mails, thereby causing an opening in the blockade. The expense of coals for this trip would be saved, as well as the depôt at Fernando Po, which might be given up altogether.

The "Vindictive" is alone sufficient for supplying the Bights Division; and Jellah Coffee is far better provided with fresh stock than Fernando Po.

If the Government give their sanction to this plan many advantages will be gained, and trade more effectually developed, while their Lordships will feel the good effects of it, not only in a quick and certain transmission of their officers and instructions to the southern part of the African Station, which is now so unfavourably placed for communication [*sic*].

I will suppose, for example, that a commander, or any other officer, is sent out by the usual monthly mail, that arrives at Sierra Leone on the 11th and 12th of each month to join a cruizer on the South Coast; how is he to get there? The mail-steamer only goes as far as the Bonny, and the branch steamer to Fernando Po, at neither of which places have the Government any establishments. What are the officers to do? There is no chance whatever of their reaching the South Coast, and they must remain in the Senior Officer's ship in the Bights. If the store-ship fortunately arrives, at an opportune period, then they can be sent on, but this is most uncertain; and should they be forwarded to Ascension, the probability is they may be detained there for four or five months, as that island is only visited by cruizers after their recreation at St. Helena.

I mention these circumstances to show how impossible it is to carry out the service properly under existing circumstances, and how advantageous it would be if the mail line were extended.

The arrival of a cruizer at Fernando Po from the South Coast for the mails is quite uncertain, and depends entirely upon the presence of suspected vessels or not. The Senior Officer always takes this into consideration.

The extension of the line will obviate entirely the necessity of a cruizer going to Fernando Po, and the expenditure of coal in consequence. It will amply repay the Company, and I can point out the ports of call that will be most advantageous.

The present contract is monthly, and for an addition of 7,500*l.* to the present contract, or 2,500*l.* less than the old contract, the Company are prepared at once to extend their line to St. Paul de Loanda, or, instead of stopping at the River Bonny, for 20,000*l.* per annum (the old contract paid 30,000*l.*), to go on to St. Paul de Loanda for

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27,500*l.*, which is a saving of 2,500*l.* on the former contract, for only half the distance.

This deserves consideration, but it is proposed to establish a bi-monthly line, and the Company ask, for doing this, a sum of 35,000*l.* on the present contract, only as far as the Bonny, which is only 5,000*l.* more than the old contract for a monthly line.

If the bi-monthly is extended to St. Paul de Loanda, the Company ask for 10,000*l.* more, which will make the subsidy equal to 45,000*l.*

This is a question that involves very serious consideration, and I would not recommend its adoption at present at all events, because I think the monthly mail sufficient for all Government purposes, but I most strongly advocate the extension of the line for many cogent reasons.

The appearance of a fast steamer running along the South Coast will also be most beneficial, and involve a feeling of insecurity to the slave-dealers, if they are inclined to make any shipments. The means of a certain market for their produce will be afforded to those of the natives who are inclined for legitimate trade, and we may very justly expect a rapid increase in the production of all those articles of commerce which at present are kept in abeyance in consequence of the influence of those that still linger in hopes of a revival of the Slave Trade.

The monthly mail-steamer that leaves Liverpool on the 24th of January would reach St. Paul de Loanda on the 18th of February, and be back again at Liverpool on the 18th of April.

I have, &c.
(Signed) A. P. EARDLEY WILMOT.

P.S.—I have omitted to mention that the present contract includes Jellah Coffee and Monrovia in the route.

No. 58.

Commodore Hornby to the Secretary to the Admiralty.

(Extract.)

Accra, March 11, 1866.

I HAVE the honour to report that I left Ascension on the 10th ultimo, and arrived at the Congo on the 26th, where I found the "Greyhound" and "Ranger."

I regret to say that Captain Stirling had been compelled to send the "Speedwell" to Ascension on account of the large amount of sickness on board, and of the debilitated state of her crew. The season had been a very unhealthy one, and all the vessels had suffered.

It was rumoured that there was some slaving going on in the Province of Benguela, and Captain Stirling sailed on the 1st instant to inquire about it.

It appears that on the 25th December Commander Douglas, of the "Torch," was compelled to fire a shell to prevent an attack on Aghwey by the people of Little Popo. Their intention was to burn the town of Aghwey, in which there was a considerable quantity of British property, for which protection was asked, and the danger of its destruction was so imminent that there seemed to be no other way of averting the loss. I have therefore approved of Commander Douglas' act.

On Commander Peile's arrival he arranged a truce, which I hope will enable the English property to be embarked before they proceed to hostilities.

Commander Peile visited the Oil Rivers in January with Consul Livingstone, and he has subsequently sent the "Landrail" to the Bonny and New Calabar Rivers.

I regret to say that business there is in a very unsatisfactory state; that trade in those rivers and the Brass, *i. e.*, the greater part of the trade of that region, is likely to be totally suspended.

It appears that the tribes of the Bonny, incited by King Pepple, claim a right to trade in certain districts which the tribes of New Calabar hold to be theirs. On both sides the Chiefs say they will adhere to their Treaties with England, and will, as bound thereby, pay all their debts to the traders, but that after that they will fight.

Fortunately I had, when at the Congo, sent the "Pioneer" to Fernando Po to inform the Consul that I was about to visit the rivers early in April, which I shall do; but the efforts of Commanders Peile and Maitland to bring about an agreement between the adverse tribes having failed, I do not see that I am more likely to succeed. In that case I fear trade will cease for an indefinite time, as trade and war are incompatible.

No. 59.

Commander Peile to the Secretary to the Admiralty.

Sir, “Espoir,” Lagos, March 7, 1866.
I HAVE the honour to inform you that having received good information that the Portuguese barque “Dahomey” was engaged in the Slave Trade, I proceeded on board that vessel on the 3rd instant, and interrogated the master and certain of his crew relative to her pursuits, and I have the honour herewith to inclose a full and detailed statement of all the circumstances attending my boarding and detaining her, which I trust will meet with their Lordships’ approval.

The “Dahomey” has been on this coast between three and four months, during which time I have had information from reliable sources that she intended to run a cargo of slaves whenever a fit opportunity might present itself.

I also should observe that her movements have been of a most suspicious character, embarking palm oil in small quantities at one part, and discharging it, or part of it, at another within a few days, and without any apparent reason for doing so.

I have, &c.
(Signed) M. S. L. PEILE.

Inclosure in No. 59.

Statement of Commander Peile, of Her Majesty’s ship “Espoir,” relative to the Detention of the Portuguese barque “Dahomey.”

[See Inclosure 5 in No. 43.]

No. 60.

Commodore Hornby to the Secretary to the Admiralty.

Sir, “Bristol,” at Accra, March 11, 1866.
COMMANDER PEILE of the “Espoir” has sent to St. Pauls de Loanda for adjudication the Portuguese barque “Dahomey.” She has been suspected as a slaver for the last three months, and was found near Aghwey, with three slaves on board without passes, and also some empty casks in the hold.

2. It is said that a brig escaped with a cargo, probably two or three months since, but the information is not precise. 600 slaves are held in readiness near Whydah, and would be embarked if a good opportunity offered; but generally the Slave Trade seems to have been stopped by the active measures taken by the Governor-General of Cuba, and no vessels or large ventures seem to be expected.

3. When at the Congo I heard that slave-trading in that neighbourhood also was temporarily suspended in consequence of the difficulties of landing slaves in Cuba. At the same time the dealers were sanguine that the present Governor would shortly be removed, and they also seemed to expect a renewed demand from Brazil: in either case they would be prepared to supply and ship slaves to any amount.

4. I trust, therefore, that should any change be made in the Governor of Cuba this squadron may be speedily reinforced, as on the departure of the “Sparrow”—ordered home—it will be far too weak to sustain an effective blockade.

I have, &c.
(Signed) G. F. P. HORNBY.

No. 61.

Commodore Hornby to the Secretary to the Admiralty.

Sir, “Bristol,” at Accra, March 11, 1866.
I HAVE the honour to inclose duplicates of letters addressed to Commodore Wilmot by Commanders Grubbe and Ruxton, and which were, I believe, received by him before he left Sierra Leone.

2. I have just left the Congo, where the merchants were enjoying a freedom from the piratical attacks of the natives hitherto unknown, and which they attribute to the

absence of Manoel Vacca from the river, and the salutary lesson that had been given by his prompt capture.

3. He appears to have been one of the most active and influential agents of the slave-dealers in carrying out their present policy, which is to make legitimate trade as insecure as possible in that fine river, so as to leave it open only to slave-traders in case of Cuba being reopened.

4. The legitimate trade is fast increasing in the hands of able and energetic Dutch, English, and Portuguese firms, who deserve every support.

5. I trust therefore their Lordships will allow Manoel Vacca to be detained either at Ascension or Sierra Leone for the present, and that they will approve of the course pursued by Commander Grubbe.

6. Manoel Vacca is now on board the "Pandora."

I have, &c.
(Signed) G. F. P. HORNBY.

Inclosure 1 in No. 61.

Commander Grubbe to Commodore Wilmot.

Sir,

"*Jaseur*," at *Porto da Lenha*, November 9, 1865.

I HAVE the honour to inform you that notwithstanding the severe punishment that the natives of the Congo received at the hands of the naval expedition in May and June last, they still continue their depredations.

Yesterday Lieutenant Parker, of Her Majesty's ship "*Pioneer*," reported to me that two boat sails that were placed in position as marks for taking angles, had been abstracted.

This happened immediately opposite to the village of Longo, on the right bank of the river, a little below Porto da Lenha.

This village, which every one informs me is a perfect nest of pirates, and the residence of Manoel Vacca, the most notorious one, was spared by Captain Martin at the instigation, I believe, of Mr. Back of the Dutch factory, who feared reprisals.

I immediately proceeded in Her Majesty's ship "*Jaseur*" to Porto da Lenha, and having communicated with the different factories I sent word to the natives that my sails must be returned.

This same night I exercised at quarters, firing blank. This had the effect of bringing messengers, saying that they would make palaver about the sails the next morning.

This morning the sails were not returned, and I determined, if possible, to capture Manoel Vacca, and hold him as a security. Mr. Scott, of Mr. Oliveira's factory, consented to point him out, and by preconcerted signal informed me when he was in the neighbourhood. I sent a boat in charge of Mr. Burch, gunner, who managed capitally, bringing off his prisoner.

The boat was fired at three times, and shot through by Manoel Vacca's retainers. One of the latter violently assaulted Mr. Scott, who, in self-defence, shot him dead.

The remainder then fled, and half-an-hour afterwards I was informed that the village of Longo was entirely deserted, and everything removed.

I shall remain at this anchorage twenty-four hours.

Everything remains quiet.

I have, &c.
(Signed) W. J. H. GRUBBE.

Inclosure 2 in No. 61.

Commander Grubbe to Commodore Wilmot.

Sir,

"*Jaseur*," at *Banana*, November 25, 1865.

I HAVE the honour to inform you that up to this date my boat's sails have not been returned, and that I still hold Manoel Vacca prisoner.

Immediately after I had captured him I received a letter signed by almost all the merchants at Porto da Lenha describing the numerous atrocities of which he had been guilty, and suggesting that his removal from the river would have a very good effect. I also received a letter from the Dutch factory at Banana in the same strain.

Of course had my sails been returned I should have at once released my prisoner, and there is no doubt that they would have been had they remained intact, but most probably they were parted amongst the thieves directly they were stolen.

As the matter stands I think, and hope that you will approve, that the best thing for the peace of the river will be to deport Manoel Vacca. I have therefore written to Commander Ruxton, inclosing copies of the letters received from the factories, and suggesting this course.

I am credibly informed that this man was personally concerned in the robbing and murder of two Europeans in the year 1862.

I have, &c.
(Signed) W. J. H. GRUBBE.

Inclosure 3 in No. 61.

Commander Ruxton to Commodore Wilmot.

Sir, "Pandora," at Sea, November 27, 1865.
THE inclosed letters from Commander Grubbe will place you in possession of the principal facts connected with the seizure of Manoel Vacca, the petty Chief of the village of Longo.

Though well known as one of, if not the leading robber and pirate of the tribe of Missolongis, this man's village was not punished for their attacks on launches and vessels by the boats of the squadron under your command in June last.

This was entirely owing to the fears expressed by the Sub-agent in charge of the Dutch factory at Porto de Lenha (a Mr. Back) that reprisals would be made on him by the natives, he living in an exposed and solitary place.

The consequence is, that while on the left bank the natives who have felt our power are most careful not to interfere with Europeans or their property, but are endeavouring to purchase English ensigns, and conciliate us, and get books certifying to their honesty, those on the right bank, especially in the neighbourhood of Porto de Lenha, are as troublesome as they dare be, as the burning of the Dutch factory proves, which took place one hour after I had left it, and gone down the river.

These Chiefs have two interests, one the simple idea of robbery; too lazy to work, it is the easiest way to procure food for the numerous followers who constitute their power. They equally rob the poor natives who come down the river with produce. In the second place, if by constant thefts, and still more constant extortions, they can drive the Dutch, English, and other legal factories down the river, they are told by interested parties (white people), that the men-of-war will never then come up the stream, and the Slave Trade will return, and the same amount of dollars and rum be shared amongst them as in the "glorious days of '59, '60, '61, and '62."

I did not consent to carry this man away with me entirely from the representations made to me, but from my own knowledge of the good it would effect not only by removing him, and also to terrify the others showing we could take as well as strike.

I intend to take him to Ascension, there to remain until your decision be known.

I hope you may approve of my proceedings in this case, but I am quite sure that you will believe that I acted to the best of my judgment, and from some experience of the ideas and views of the European and natives slave-dealers and kidnappers in this the greatest stronghold of the Slave Trade.

I have, &c.
(Signed) W. F. RUXTON.

Inclosure 4 in No. 61.

Commander Grubbe to Commander Ruxton.

Sir, "Jaseur," River Congo, November 25, 1865.

I HAVE the honour to inform you that on the 8th instant Lieutenant Parker informed me that two boats' sails which he placed as marks for taking angles had been stolen during the preceding night.

I proceeded at once to Porto da Lenha, and from the inquiries I made I gathered the certainty of what I had previously conceived, viz., that they had been taken by the inhabitants of the village of Longo, of which Manoel Vacca is the Chief.

This robbery happening so soon after the punishment inflicted by the squadron in June last would almost preclude the hope that these most troublesome natives will be ever be reduced to order.

I tried, especially at this village, to encourage the canoes alongside, and to conciliate the people, but nothing appeared to satisfy them but theft.

Through the Prince of the English Factory at Porta da Lenha, I sent word that the sails must be returned, or there would certainly be a palaver, but this had no effect.

I therefore determined to capture Manoel Vacca.

On the morning of the 9th I accordingly sent a boat to the neighbourhood of Mr. Oliveira's factory, where he was in the habit of resorting, and succeeded in taking him a prisoner, but not without resistance, his retainers firing on my boat.

I can scarcely describe the good effect that the capture of this most notorious pirate and slave-dealer has had, and would most strongly suggest that he should be deported from the river for a time.

As you will see by the inclosed letters which have been addressed to me from the different merchants trading in the Congo, they attach much importance to this event, and are most anxious and earnest that the good obtained should be followed up.

From my long experience in Africa, I feel sure that were this man kept away from the river, either at Ascension or other convenient place, and a palaver subsequently held with the headman and Princes of the different houses at Porto da Lenha, we should hear but little more of the depredations of these river pirates.

I have, &c.
(Signed) W. J. H. GRUBBE.

Inclosure 5 in No. 61.

Merchants residing at Porto da Lenha to Commodore Wilmot.

Sir, Portuguese Factory, Porto da Lenha, November 9, 1865.

WE, the undersigned resident merchants at Porto da Lenha, wish to bring the following facts to your notice:—

For the last six or seven years trade has been considerably impeded in this part of the River Congo by

the continuous annoyance of Manoel Vacca, who styles himself a native Prince and who has without doubt great weight with the natives in this neighbourhood.

He is a known rogue and a robber.

He was undoubtedly implicated in the attack on the "Sverige," made in December last, though, strange to say, the town of Longo, under the jurisdiction of this pirate, escaped punishment from the boats of the squadron, &c., sent by Commodore Wilmot in May and June last for that purpose.

Numerous other depredations brought about by his instrumentality might be mentioned, such as that of the English schooner "Scinde," &c., from which about 1,500*l.* worth of goods were stolen in the middle of the year 1860, and the vessel afterwards burnt to the water's edge.

Under these circumstances we respectfully request you will use your influence to secure the banishment of the said Prince, in which case we anticipate great advantage would accrue to all concerned in trade in the Congo, and fraud and extortion virtually cease.

May we suggest that the inhabitants of the village Longo be punished for their various robberies as a warning to others, since we are of opinion, though the principal defaulters, they have hitherto escaped.

We have, &c.

(Signed) For M. J. d'Oliveira,
JN. SCOTT.
ANTONIO JOSE MACHADO D'TYDO.
JACINTHO DAS CHAGAS.
P. P. DE SR. MIGUEL A CARRECHO.
WM. MASSEY,
Pro Messrs. Hatton and Cookson.

Inclosure 6 in No. 61.

Mr. Waderian to Commander Grubbe.

Sir,

Banana, November 18, 1865.

WITH pleasure I have heard that you have taken prisoner one of the Chiefs up the River Congo, named Manoel Vacca.

He was one of the principal leaders who attacked all the boats and launches in the River Congo, and it was he who attacked the schooner "Sverige" last year in December.

I should therefore feel very much obliged if you could take him out of the way, because I am afraid when he should return my house should be destroyed by him in the river.

At the same time I recommend another Chief up the river to be taken prisoner, named Mansala Tamin, who destroyed our house by fire.

When these two Chiefs are gone I am sure we would not be troubled more and hindered in our trade.

I am, &c.
(Signed) F. J. WADERIAN,
Agent to Messrs. Kendyk and Pincoffs.

No. 62.

RETURN of Vessels Captured on the ground of Slave Trade or Piracy, by the British squadron employed on the West Coast of Africa, for the suppression of the Slave Trade, during the Year ended December 31, 1865.

Name and Description of Captured Vessel.	Flag under which Captured Vessel was Sailing.	Names of Masters and Owners of Captured Vessel.	Number of Crew.	Date of Seizure.	Where Captured.	Name and Rank of Captor and Name of Capturing Ship.	Number of Slaves.			Before what Court adjudicated, and on what Charge.	Decretal part of Sentence, whether Forfeiture or Restitution.	How Captured Vessel was Disposed of.	Remarks.
							Captured.	Died before adjudication.	Emancipated.				
Brigantine, said to be the "Amalia."	Noise ..	Unknown ..	Unknown ..	1865 Oct. 8	Off Mangué Grande	W. J. Grubbe, Commander "Jaseur" C. G. Nelson, Commander "Ranger"	..	..	174	St. Helena .	Forfeiture ..	Broken up and sold	Supposed to be a Spanish brigantine.

"Bristol," at Sea, Lat. 1° 26' N., Long. 0° 10' W

(Signed)

G. PHIPPS HORNBY, Commodore and Commander-in-chief.

No. 63.

Extract of a Letter from Commodore Wilmot, dated Royal Dockyard, Deptford, April 30, 1866.

I HAVE received and carefully considered the correspondence relative to the capture and detention of the pirate Manoel Vacca.

There can be no doubt whatever that Commander Grubbe did perfectly right, and I should have approved his proceedings if the information had reached me before leaving Sierra Leone.

No. 64.

Commodore Hornby to the Secretary to the Admiralty.

Sir,

"Bristol," at Lagos, March 22, 1866.

I FIND that the Governor of Lagos agrees with me that it will be very advantageous to mercantile interests if an annual visit can be made by the "Investigator" to the upper part of the Niger.

2. I expect that vessel to return from Ascension early next month, better prepared for such an expedition than she has yet been, and I have desired the Senior Officer to be careful of her, that she may be in the highest state of efficiency in July if required to proceed on it.

3. From the records of the expeditions of 1864 and 1865, it appears she had only two cases of sickness, and not severe ones, in the former year, though fifty days in the river; and in the latter no sickness, though twenty-eight days in the river.

From the experience acquired also by the merchant steamers, it seems that with proper precautions the river is not so unhealthy as it was believed to be.

4. I have therefore to request you will move their Lordships to consider the propriety of sending her again this year, and if they determine on doing so respectfully submit the following suggestions:—

(1.) That they should signify to the Senior Officer in the Bights their desires by the mail which will leave England on the 24th of May.

(2.) To acquaint him if she should start early in July or await the arrival of the mail due on the 21st of that month.

(3.) To permit him to authorize the Lieutenant Commanding the "Investigator" to remain in the upper waters as long as the depth of the river will permit, and there is no tendency to sickness amongst her crew, so as to improve our connections with a view to fostering trade with any towns above Egga and Bida.

(4.) To inform him if they propose to send out an Agent to replace Mr. Maxwell (I believe it to be most desirable to establish a person of high character, and who has had experience of uncivilized tribes, at Lukoja), if there should be such a man at the disposal of the Government.

(5.) To give directions if he shall prepare the usual presents for the Chiefs on the river's banks, or if they will be sent from England with the new Agent by the June mail.

(6.) Supposing no Agent with Consular authority is sent up, to give the Lieutenant Commanding the "Investigator" temporary Consular power.

I have, &c.

(Signed) G. F. P. HORNBY.

No. 65.

Commodore Hornby to the Secretary to the Admiralty.

Sir,

"Bristol," off the Bonny River, April 6, 1866.

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that from the time of closing my letter of the 11th ultimo until the 29th, I was cruising between Accra and Lagos, anchoring as requisite at different points between them.

2. On the 30th I embarked the Lieutenant-Governor of Lagos in order that he might visit the Benin River, for which he is Consul, taking the "Pioneer" with me.

From Benin I proceeded to Fernando Po, and having then taken on board the Consul for the Oil Rivers, Mr. Livingstone, and having been joined there by the "Greyhound," I returned with her to the Bonny River, off which I anchored on the 4th instant.

3. The following day I proceeded with the "Greyhound" and "Pioneer" up the river, and finding that things were quiet there (I send an account of the state of affairs as far as I could collect them in my letter of this date), I allowed the "Greyhound" to continue her voyage this morning towards Jellah Coffee to relieve the "Espoir."

4. On entering the river we had never less than $4\frac{1}{2}$ fathoms of water at half tide, so it seems to be quite possible to take this ship in if it should be required.

5. If the Chiefs of New Calabar should have returned to their towns, I propose to visit that river to-morrow, and thence proceed to Amboise Bay, the Cameroons River, Fernando Po, and St. Pauls de Loanda. I intend to remain on the southern part of the station until October.

I have, &c.
(Signed) G. F. P. HORNBY.

No. 66.

Commodore Hornby to the Secretary to the Admiralty.

Sir, "Bristol," off the Bonny River, April 6, 1866.

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that on visiting the Benin River, I found three trading houses established and four ships trading from them.

The agents reported the trade as satisfactory, the natives civil, and the prospect of oil good. Except the winding-up of the estate of an absconded trader, the Consul appeared to have no business to settle, and there were no complaints.

2. In the Bonny River a war between the neighbouring tribes has been for some time threatened; the causes of quarrel, chances, and effects, are said to be as follows:—

Prior to 1854, the natives of Bonny had a right, in virtue of King Pepple's mother being a "Brass" woman, to trade to the Brass River, and the country lying north of it, sending their canoes without molestation across the mouth of the New Calabar River. In that year Pepple was deposed, banished, and the trade in European goods ceased to flow in that line, the tribes in those parts being supplied by the New Calabar men.

Now the Chiefs of New Calabar have declared certain sorts of goods to be "sujee," that is, they will not touch them, and therefore will not import them, or allow them to pass through their territory. The tribes above want these particular sort of goods, and as they cannot get them through New Calabar, have resorted to their old friends the Bonny people, to re-open the trade as it was prior to 1854, Pepple having returned. But the Chiefs of New Calabar say this shall not be; they will not allow the Bonny men to return to those fairs, nor will they allow any longer the passage of canoes across the mouth of their river. As all the large trade canoes used to bring the oil down the Bonny River, come from beyond the Brass River, this is a heavy blow to the Bonny Chiefs, and they say they will go to war to establish their interests. They have made a formidable confederacy against New Calabar,—the tribes of Brass, and all those interests called the "Creek country" which lie between the Bonny River and the Niger to the north of New Calabar, having promised to join them in war; so that the New Calabar men seem to be nearly surrounded. The Bonny people have, however, promised to delay the commencement of hostilities until the end of July, and to pay their debts to the traders, as they are bound by Treaty to do, before going to war, and the traders believe they will keep their promise.

3. The opinion of the majority of the Court of Equity seems to be that the inferiority of the Calabars is so decided that the war will be but short, and that it will not interrupt the trade of the Bonny or Brass, nor materially of the New Calabar Rivers.

4. I should remark that all the firms but one which trade to New Calabar have their head agents at Bonny, so that they can speak authoritatively as to the interests of each river.

5. A portion of the agents who have been for some time past in the rivers, and, through them, several of our officers who have lately visited here, are of opinion that these disturbances are only the result of the intrigues of King Pepple, whose idea is to establish himself as a paramount Chief over all the country between the Andomy River and the Nun branch of the River Niger, by which means he hopes he would be able to impose his own scale of prices, and so pay off old grudges against the English merchants.

6. He is a malevolent old savage, and might desire it, but from what I hear I should doubt his having sufficient ability or influence to carry it out.

7. I put the question to the traders, and they said they thought there was little

CLASS A.

danger to the mercantile interests, for that so long as they held together they were the great power in the river, and the working Chiefs, the men of real influence, knew it, so that Pepple was but a puppet.

8. Pepple appears to be a great hater of the English, and tries as far as lays in his power to interrupt and embarrass business. When the Consul or a man-of-war visits the river, he refuses to come to the meeting which, by the Treaty, is authorized to be then summoned, pleading sickness. He has been brought off by one Captain, fined, I believe, by Commodore Wilmot, and so on; but it seems to have no effect. As he sent the old excuse to my summons, I passed him by, and propose to take no further notice of him, merely dealing with the influential Chiefs, and I hope this course may be approved of.

9. The promise for the trade of the year seems to be good, and the merchants have no complaints against the Chiefs, who, from all I hear, I believe to be reasonable men.

10. The Court of Equity begged I would bring to their Lordships' notice the great importance they attach to more frequent visits from the Consul, as at present they get little or no legal protection. Cases of theft, drunkenness, &c., are frequent, but it very seldom happens that the man-of-war or Consul appears at the right time, and so the offences escape all punishment.

What they would like would be to have a small steamer attached to the Consulate at Fernando Po, and that the Consul should be armed with the same authority as is given to the Consuls in Turkey to arrange all offences committed amongst themselves, or where a native might be concerned, or accused or accuser.

11. The accounts contained in this letter have been obtained at a full meeting of the Court of Equity of the Bonny River, the Consul being present.

I have, &c.

(Signed) G. F. P. HORNBY.

No. 67.

Commodore Hornby to the Secretary to the Admiralty.

Sir,

"Bristol," River Congo, May 15, 1866.

A REPORT has reached the Congo that Manuel Vacca, who was the greatest pirate in that river, and who was captured by Commander Grubbe, of Her Majesty's gun-vessel "Jaseur" in November last, is to be allowed to return there, I hasten to draw their Lordships' attention to the facts of the case, in the hope that no such leniency may be shown him at present.

2. A large legal trade is rapidly developing itself, principally the result of the energy of a Dutch firm, the Messrs. Kerdyke and Pincoff.

They use a great many of the old Portuguese slave-dealers as brokers to purchase oil, &c., and if legitimate trade can be slightly protected for a year or two, it seems likely that it will become as firmly established as it is in the oil rivers to the overthrow of Slave Trade.

3. But the old slave-dealers are as well aware of this as others, and some of the larger of them would like to see lawlessness and insecurity of property continue, in the hope of a new demand for slaves arising. With this view they encouraged Vacca and some of the small Chiefs who live among the mangrove bushes at the entrance of the river, to pillage the boats that brought down produce.

4. Since the capture of Vacca the other thieves have been afraid to continue that course, and the traffic on the river has been quiet and safe, but Vacca is a bold and influential man if he returns. Not only do all the English and Dutch believe that he will immediately recommence his piracies, but the honest Portuguese firms are prepared to abandon the river. Their departure will be that of most useful middlemen, and what is worse will encourage the pirates.

5. I trust therefore that their Lordships will make arrangements by which I may be authorized to send him either to Ascension or Sierra Leone to be detained there until the tranquillity of the river is securely established. I have no doubt that such a proceeding will not be a severe punishment, considering the numerous acts of piracy of which he has been guilty.

I have, &c.

(Signed) G. F. P. HORNBY.

No. 68.

*Commodore Hornby to the Secretary to the Admiralty.**"Bristol," at Sea, Lat. 9° 55' S., Long. 12° 36' W.,
July 2, 1866.*

Sir, I HAVE the honour to request you will inform the Lords Commissioners of the Admiralty that Commander E. Stubbs of Her Majesty's gun-vessel "Pandora," has reported to me (April 7, 1866), that in an interview on the 26th March last with the French Governor at Goree, Captain Bridge, Royal Engineers (Commander Stubbs being ill with fever), was informed that the Governor had lately been up the Pongas with 500 men, who had taken peaceable possession of a portion of the territory through which that river runs, and that he had left a detachment there.

I have, &c.
(Signed) G. F. P. HORNBY.

No. 69.

*Commodore Hornby to the Secretary to the Admiralty.**(Extract.) "Flora," at Ascension, August 31, 1866.*

THE "Torch" (now on her way to St. Helena) visited the Bonny River on the 13th July with Her Majesty's Consul for the Bights of Biafra, who endeavoured to settle the disputes between the Bonny River and New Calabar Chiefs, but he had not been successful up to the 21st July.

Commander G. A. Douglas (of the "Torch"), reports the trade in the Bonny dull, in consequence of the disputes of the Chiefs and the want of canoes amongst the natives. The crews of the merchant-vessels in the river were healthy."

No. 70.

*Commodore Hornby to the Secretary to the Admiralty.**(Extract.) "Bristol," at Sea, August 22, 1866.*

I INCLOSE herewith to be laid before the Lords Commissioners of the Admiralty, copy of a letter from Lieutenant J. W. Jones to the senior officer of the Bights Division, dated 30th June last, reporting the proceedings of Her Majesty's ship "Investigator" in the Benin River.

Inclosure 1 in No. 70.

*Lieutenant Jones to Captain Stirling.**(Extract.) "Investigator," Appi, June 30, 1866.*

CONSEQUENT upon a requisition received from J. W. Elmes, Esq., Her Britannic Majesty's Acting Consul for the Bight of Benin, a copy of which I have the honour of furnishing you with, I beg to lay before you a report of my proceedings.

I left Lagos on the morning of the 15th June, with Her Majesty's ship under my command, having on board Her Majesty's Acting Consul and his Secretary, for the purpose of proceeding to Benin; his presence being required to investigate certain complaints brought by the merchants against the Chief Terry. The offence committed was a stoppage of trade arising from a dispute as to the ownership of a cat.

The animal in question being claimed as the property of Dr. Claus, and also by one of the wives of the Chief Terry.

The real cause of the dispute was passed over as being too insignificant for adjudication, and the more serious one, namely, the stoppage of trade for an offence so trivial, was entered into by Her Majesty's Acting Consul and myself in the presence of the Chief Terry and Jerbuffoa, and after an interview of some hours' duration, the Chief Terry acknowledged that he had acted wrongly in stopping the trade of the river, and consented to sign a Treaty between Her Majesty Queen Victoria and himself, on behalf of the Chiefs of Jacqua. A copy of this Treaty has already been laid before you.

Inclosure 2 in No. 70.

Agreement between Jonathan William Elmes, Esq., Her Majesty's Acting Consul for the Bight of Benin, and John William Jones, Esq., Lieutenant and Commander of Her Majesty's ship "Investigator," Senior Naval Officer present, on behalf of Her Most Gracious Majesty the Queen of Great Britain and Ireland, on the one part; and Terry, Chief of Jacqua, and Jerbuffoa, also Chief of Jacqua, both of Benin River, representing the Chiefs of the Benin River, on the other part.

WHEREAS certain differences and misunderstandings have arisen between the English merchants on the River Benin and the aforesaid Chief Terry and his people, whereby the trade and commerce in the river has been impeded; It is hereby agreed between Jonathan William Elmes, Esq., Her Majesty's Acting Consul for the Bight of Benin, and John William Jones, Esq., Lieutenant and Commander of Her Majesty's ship "Investigator," and Senior Naval Officer present, on behalf of Her Most Gracious Majesty the Queen of Great Britain and Ireland; and Terry and Jerbuffoa, for the Chiefs of the Benin River.

ARTICLE I.

That Chiefs Terry and Jerbuffoa shall not at any time from henceforth impede the trade of the Benin River, nor stop the trade of any English merchant, nor prohibit the Benin people from trading if they should be so inclined, with any English merchant, leaving all disputes and questions involving a prohibition of trade to be decided by Her Majesty's Consul for the Bight of Benin.

ARTICLE II.

English people may buy or sell, or hire lands or beaches, or houses, in the Benin River Country, and their beaches and houses shall not be entered without their consent, nor shall their goods be seized nor their persons touched; and if English people are wronged or ill-treated by the people of the Benin River, the Chiefs of the Benin River shall punish those who wrong or ill-treat the English people.

ARTICLE III.

But English people must not wrong or ill-treat the people of the Benin River, and when they are accused of so doing, the Chief shall send a true account of the matter to Her Majesty's Consul for the Bight of Benin, or to the Commander of any of Her Majesty's ships of war; and the Consul or Commander, whichever it may be, shall send for the English person, who shall be tried by English Law, and punished if found guilty.

ARTICLE IV.

If the Benin River people should take away the property of an English person, the Chiefs shall do all they can to make the Benin River people restore the property and pay the debt. In the case of a theft committed by a slave, then the master of such slave to be held responsible for such restoration or payment; and in the case of a theft committed by a freeman of a tribe, the Chief thereof to be held responsible for such restoration or payment; and if English persons should take away the property of the Benin River people, the Chiefs shall make known the facts to Her Majesty's Consul for the Bight of Benin, and the Consul shall do all he can to make the English persons restore the property, and pay the debt.

ARTICLE V.

That the merchants and traders, on the one hand, and the Benin Chiefs, on the other, being assembled to remove grievances, and discuss matters of complaint between them, do, on their several parts, engage to adjudicate thereon in a friendly manner, that shall be satisfactory to the traders who frequent the river and the native merchants. Any settlement so made to be submitted to Her Majesty's Consul, and, if approved and ratified by him, to become a law of trade in the Benin River, and binding equally with an Article of this agreement.

Done on board Her Majesty's ship "Investigator," Benin River, this 18th day of June in the year of our Lord, 1866, and of Her Majesty's reign the 30th.

(Signed)

TERRY, his \times mark, *Chief of Jacqua.*

JERBUFFOA, his \times mark, *Chief of Jacqua.*

JOHN ELMES, *Acting Consul.*

JOHN W. JONES, *Lieutenant Commander Her Majesty's ship "Investigator."*

Witnesses:

(Signed)

CHANOMMI, his \times mark, *Chief of Bubi.*

R. PHILIPPE, *Private Secretary to the Consul.*

C. HERB. FAUVEL, *Clerk, Her Majesty's ship "Investigator."*

E. GOLDSTONE.

H. CLARK.

W. CLAUS.

No. 71.

Commodore Hornby to the Secretary to the Admiralty.

(Extract.)

"Bristol," at Ascension, August 27, 1866.

I HAVE the honour to inclose an extract of a letter from Commander W. S. H. Grubbe, of Her Majesty's gun-vessel "Jaseur," showing improved prospects for legitimate trade on the South Coast.

Inclosure in No. 71.

Commander Grubbe to Commodore Hornby.

(Extract.)

"Jaseur," at Sea, June 30, 1866.

I AM happy to report that during the last six months no shipment of slaves has taken place on the southern division of the station; nor, as far as I can ascertain, are there any slaves in depôt.

The usual amount of domestic Slave Trade is carried on between Loanda and St. Thomé.

Advantage can be easily, and I understand is sometimes, taken of the Government sanction to this; viz.: passports are procured in Loanda for the ten slaves supposed to be going from that port to St. Thomé; but as slaves at Loanda are very valuable, the small vessels leave those for whom the passports are intended behind, and purchase others at some of the small ports to the northward.

Legal trade is greatly on the increase.

The large establishment at Porto da Lenha belonging to the Portuguese house of Cornwallis and Co., is sold to M. Conguy, a Frenchman, engaged in palm-oil business.

José Natto's large barracoon at Kinsao, has also been sold to M. Monteiro, who is carrying on a business in the bark of the machinga tree.

I have already reported the successful trip of the Dutch schooner "Itu" to Emboucuca. Mr. Elkman has already written for a steam launch to ply between that place and Porto da Lenha.

Wm. Taylor and Co., of Glasgow, also intend running a steamer in the river, so that good hopes may be entertained that the trade may be doubled in a short time.

The Company of African merchants have sold their factory at Chinsouza, and are also about to establish on the left bank at San Antonio.

The natives of Loango have been very troublesome lately, and I anticipate that every factory at that place will shortly be abandoned.

A small steamer and four barges, steel, in compartments, have arrived in Loanda; they are intended for the navigation of the River Coanza.

Another steamer will also be employed to convey the produce from the River to Loanda. They are the property of the Angola Company, of which Mr. A. A. Silva is the agent, and to whom the Portuguese concede the right of navigating the Coanza for, I believe, twenty years.

No. 72.

Commodore Hornby to the Secretary to the Admiralty.

(Extract.)

September 30, 1866.

THE "Investigator" had proceeded on the 27th August to Porto Novo with the Chief of Justice of Lagos (Mr. Way), to endeavour to enforce from the King payment of the remainder of a fine of oil imposed on him by the Governor.

The mission was unsuccessful, as the King refused payment, and ignored the debt.

The "Investigator" was prepared and ready to ascend the Niger, and probably proceeded after the arrival of the African mail on the 21st September at Lagos.

Captain Charles Stirling, Senior Officer in the Bights, had detained her to see if the Consul appointed to Lukoja should arrive. He did not come out in the packet from England of the 23rd July, as it appears by your letter of the 21st of that month their Lordships expected he would.

Commander J. E. Erskine, of the "Speedwell," reports that slaves have been shipped from Cape Lopez and Rangundo, north of the Camma by Portuguese agents for St. Thomas.

Commander M. S. L. Peile, of the "Espoir," senior officer on the South Coast, informs me that a French firm was establishing factories at Banana, Point Porto de Lenha and Landana, and another firm at Kinsembo and Ambrizette.

He had heard that the French Government intend to resume the encouragement of black emigration to their Colony of Martinique.

Her Majesty's Commissioner at St. Paul de Loanda has received information from the Governor-General of Angola that a fast steamer, with steam launches, is expected on the coast to attempt a shipment of slaves between Ambrizette and the Congo. The senior officers of the divisions have been warned to look out for her.

No. 73.

Commander Peile to Commodore Hornby.

Sir,

"Espoir," off Congo River, September 27, 1866.

I HAVE the honour to report that on the 17th instant Her Majesty's ship under my command captured a brigantine (name and nation unknown), fully equipped for the Slave Trade, in latitude 5° 30' south, and longitude 11° 35' east, the particulars of which are contained in the inclosed statement.

Mr. Vredenburg, Her Majesty's Commissioner at St. Paul de Loanda, had given me information that a shipment of slaves was likely to take place between Ambrizette

and Point Padron, and particularly requested me to concentrate my forces on the part of the station, and leave the north to take care of itself.

I acted on his advice for a few days, but hearing that this movement was known and talked about by those likely to be engaged in the Traffic of Slaves, and having received information from a source more reliable than even that of the Commissioner, I again stationed the "Speedwell" north of the Congo, and cruized myself both north and south of that river.

It was fortunate I took this precaution, as the shipment of 550 slaves was intended to take place on the night of the 18th instant between Red Point (north of Congo) and Kabenda Bay.

The brigantine, about 190 tons, appears to be a Portuguese vessel fitted out some few months back at Cadiz, as some of her cargo is marked "Cadiz." It was her first voyage. She was exceedingly well found in all respects, and a wonderfully fast sailer, for although the force of wind was only from three to four, she was at times going over ten knots, about three points free.

I have sent her to St. Helena in charge of Acting Senior Lieutenant John S. Brome, and eight men.

I have reason to congratulate myself in having completed with coal from the firm of Kerdyke and Pincoff's, at Banana Point, as it is a very superior quality for steaming purposes, and makes so little smoke that until within a few miles of our prize, they did not observe we were a steamer.

Had we been using the North Country coal obtained at Ascension, the smoke would have been seen above the horizon hours before we were in sight.

I have, &c.

(Signed) M. S. L. PEILE.

Inclosure in No. 73.

Statement of Commander Peile, of Her Majesty's ship "Espoir," relative to the Detention of the brigantine (name and nation unknown).

ON the morning of the 17th September, after leaving Point Padron (R. Congo), when about six miles from the shore, a sail was sighted from the masthead. I immediately ordered the Quartermaster of the watch aloft to make her out; he reported that she was a square-rigged vessel, standing to the southward and eastward. I altered course for her and soon observed her from the deck, and found that I was fast nearing her. Before long, however, it was evident she had altered course and was standing the same way as "Espoir" and rapidly increasing the distance from us. I then ordered all sail to be made and steam got up to full power, but for some time, although we were going ten knots, the chase appeared doubtful.

About 11 o'clock the wind decreased; we rapidly gained on her, and when about four miles from her commenced firing guns every half-hour to bring her to, but to no avail until after 2 P.M., when within three-quarters of a mile, she shortened sail and hove to.

As I passed under her stern I hailed and asked why she had no colours up, to which I received no reply, I then sent Acting Lieutenant J. S. Brome to board her; he returned shortly after with two persons belonging to her, and reported that she had a slave deck laid, a large slave copper, a quantity of rice, water, &c., and was fully equipped for the Slave Trade.

The two persons above alluded to, told me they had no papers, no colours, and did not belong to any nation, and that the vessel was mine. I sent an officer and six men to take charge of her, and took ten of the crew on board of the "Espoir," as I could not place a larger guard on board her, a number of my crew being absent on boat service.

The same evening I proceeded with the brigantine in company to Kabenda, where I anchored for the night.

The following day I boarded the vessel myself, and found everything as reported to me by Acting Senior Lieutenant John Sandford Brome. I therefore placed him with eight men in charge as a prize crew, with orders to proceed with all dispatch to St. Helena, to bring the vessel before the Vice-Admiralty Court.

The ten of the crew detained on board "Espoir," will be handed over to the Governor-General of St. Paul de Loanda, as they have declared themselves to be Portuguese subjects.

I hereby certify the foregoing statement to be strictly correct in every particular.

Dated on board the "Espoir" at Kabenda, 18th September, 1866.

(Signed) M. S. L. PEILE,
Commander of Her Majesty's ship "Espoir."

Witness:
(Signed) ARTHUR M. WADE,
Assistant Paymaster in charge.

No. 74.

Commodore Hornby to the Secretary to the Admiralty.

Sir,

"Greyhound," at St. Helena, November 7, 1866.

IT has been frequently reported to me lately by officers commanding Her Majesty's ships on the Southern Division of this Station, that slave-trading is carried on from the

Ferrand Islands and Comma Creeks (south of Cape Lopez) to the Island of St. Thomas by Portuguese subjects, and that some of these slaves are shipped under the protection of certificates of permission to export "libertos," surreptitiously obtained from the Government at St. Paul de Loanda, which, however are not used for the persons for whom they are made out, who may sometimes be shipped to prevent suspicion, but they are landed again, and slaves taken in their places from the above creeks.

2. It is impossible to guard these creeks effectually with the limited number of cruisers in the Division, and Commander M. S. L. Peile, of the "Espoir," the Senior Officer, took occasion lately to point out to Her Majesty's Commissioner at Loanda that this petty slave-trading was carried on, and requested him to bring it to the notice of the Governor-General of Angola. In reply, Mr. Vredenburg informed Commander Peile that it would be useless to mention the subject to his Excellency, as he was already aware of the fact, and that he need not trouble himself to write officially as he (the Commissioner) had reported the circumstances to the Foreign Office.

I have, &c.
(Signed) G. HORNBY.

No. 75.

Commodore Hornby to the Secretary to the Admiralty.

(Extract.)

November 12, 1866.

COMMANDER M. S. L. PEILE, of the "Espoir," Senior Officer on the South Coast, reports (October 17, 1866), that the natives having driven a Portuguese trader, Signor Correia, from his factory at Porta da Lenha, and burnt it, the Portuguese schooner of war "Napier" had destroyed a great number of canoes and killed several natives.

Commander Maitland, of the "Landrail," had been informed that there is a depôt up the River Nuñez from which a schooner occasionally ships slaves, and takes them (it is supposed) to the Cape de Verdes.

From the Bights Division Commander C. A. P. V. Robinson, of the "Mullet," Senior Officer, reports (September 22, 1866), that Mr. Macleod, the Consul for the Niger, not having arrived from England in the "August" packet, the "Investigator" was about to proceed up the river without him.

The "Oberon" was engaged in September in taking Her Majesty's Consul from Fernando Po to visit the Oil Rivers, and probably completed that service about the 20th September.

EAST COAST OF AFRICA STATION.

No. 76.

Commodore Hillyar to the Secretary to the Admiralty.

(Extract.)

February 14, 1866.

THE "Wasp," "Vigilant," and "Penguin," are cruising for the suppression of the Slave Trade on the East Coast of Africa. The last named vessel had been up the Antonio River, and Lieutenant Garforth reports having communicated with the Chief Mousa. I inclose a copy of his letter, which may be interesting to their Lordships.

Inclosure in No. 76.

Lieutenant Garforth to Captain Bowden.

Extract.)

"Penguin," Seychelles, December 18, 1865.

IN pursuance of orders received from Commander Latham, of Her Majesty's ship "Vigilant," for me to proceed to Antonio River for the purpose of communicating with the Chief Mousa, I have the honour to inform you that I left Zanzibar for that place on the 20th October.

From the prevailing winds, finding I should have to pass near the Comoro Islands, and having despatches on board for Her Majesty's Consul at Johanna, I entered and anchored in Pomony Harbour on the 1st November.

I sailed from Pomony on the 8th for Antonio River, which place I arrived at on the 11th November.

On the morning of the 12th I endeavoured to cross the bar, but from the heavy surf occasioned by strong north-easterly winds that had been blowing, I considered it unsafe for the boats, so returned to the ship.

The weather having moderated I crossed the bar on the 13th, and proceeding about five miles up the river arrived at the village where the Chief Mousa generally lives.

I was received on landing by one of the Chiefs, who informed me that the Chief Mousa had gone some distance in land, and it might be some days before he returned; that he being the next principal Chief, any message for Mousa given to him would be delivered at the earliest opportunity. I therefore read to this Chief the extract from Commodore Montresor's letter, thanking the Chief Mousa for the assistance he rendered to Her Majesty's ship "Lyra," and the Commodore's decision on the subject.

The Chief seemed much pleased with the message, and he begged me in the name of Mousa to thank Commodore Montresor, and to assure him of his most friendly feeling towards the English. Arriving back to this ship the same afternoon I sailed for Mozambique, where I arrived the following day.

Having taken in coals I sailed on the 17th of November for the Coast of Madagascar. We experienced light north-east winds on the passage.

I am informed that during the month of November slave-dhows do not attempt to run across from the coast of Africa to Madagascar; all other months during the year, particularly December, when in the latitude of Mozambique the prevalent winds are westerly, there is a large trade carried on. Upwards of 4,000 slaves, I am informed, were landed last year at different ports on the north-east coast of Madagascar.

On the 20th November I anchored in Bembatooka Bay, Madagascar. The Governor (who lives at the town of Majinga) and the inhabitants were exceedingly friendly towards us during our stay.

On the 25th I sailed for Seychelles, where I arrived on the 8th instant; having coaled and given leave to the ship's company, I purpose proceeding to Zanzibar on the 20th with the mails for the squadron expected on that day.

No. 77.

Acting Commander Latham to the Secretary to the Admiralty.

Sir,

"Vigilant," Zanzibar, January 19, 1866.

IT having come to my knowledge that on the 26th of September, 1865, at 7-30 PM., the boats of this ship detached to cruise for the suppression of the Slave Trade near the northern part of Zanzibar Island, boarded a dhow at anchor off the Island of Sumbat, which, on examination of her papers, proved to be the French dhow "Lord Byron" of Mayotta, I hasten to apprise you of the circumstance for the information of the Lords Commissioners of the Admiralty.

2. Her nationality not being suspected she was boarded, and her papers inspected; but on its being ascertained, both officers immediately left without searching the vessel.

I have, &c.
(Signed) W. M. LATHAM.

No. 78.

Commodore Cockburn to the Secretary to the Admiralty.

(Extract.)

March , 1866.

I LEARN from various sources that the Slave Trade to Arabia is still actively prosecuted, though the Government of North Madagascar has issued a severe proclamation against it.

Accidental circumstances have prevented for a time the very necessary surveillance of a regular Senior Officer on the East Coast. I know such an officer is very much required.

I have good reason for saying that there are many objections against sending any more of the captured negroes to the Seychelles Islands.

This Colony appears to me to be much more favourable for such ignorant negroes: they are wanted here, and they would be better cared for in every sense of the expression.

No. 79.

Commander Latham to the Secretary to the Admiralty.

Sir,

"Vigilant," Zanzibar, January 19, 1866.

I HAVE the honour to inform you, from inquiries I have made at the Custom-house, that during the past year 14,000 slaves have been landed at this place; 6,000 have been sent, under the authority of passes, to Lamoo and other northern ports; almost all these have been sent on to Arabia. The numbers cannot be entirely depended upon, as the Custom-house master farms the duties for the Sultan; that on slaves at present is 2 dollars per head.

2. When the north-east monsoon commences, the slaves from the mainland are imported in large numbers, with a pass from Quiloa to Zanzibar, and on the change of monsoon are forwarded to Lamoo under another pass, whence they are sent further north.

3. At this season of the year I should recommend that a vessel be cruizing between Zanzibar and Quiloa, and another between Socotra and Magadoxa.

4. Not having been on this part of the station except a few weeks while slaves were being sent north, I cannot give further information on the subject.

I have, &c.
(Signed) W. M. LATHAM.

No. 80.

Commodore Hillyar to the Secretary to the Admiralty.

(Extract.)

"Octavia," at Bombay, March 28, 1866.

THE "Highflyer" is under orders to proceed to the Seychelles Island to report on the advisability of removing the naval depôt from Zanzibar to the Island of Metu; from thence to Johanna, "to warn the Sultan that he will incur the serious displeasure of Her Majesty's Government if he continues to disregard his Treaty obligations by allowing the importation of slaves into his territories," agreeably to their Lordship's instructions conveyed to me in your letter of the 25th January last, and then on to Zanzibar to relieve the "Wasp," and assume the duties of Senior Officer on the South East Coast of Africa.

The "Pantaloon" will leave the Persian Gulf before the end of April, to ensure her having the last of the north-east monsoon to carry her down the coast, when she will cruize for the suppression of the Slave Trade for a few weeks between Socotra and

CLASS A.

Magadoxa, then proceed to Zanzibar and place himself under the orders of the Senior Officer and relieve the "Vigilant."

The "Lyra" remains at Aden. Commander Parr reports that he had been to Massowah on the 18th February last, and had communicated with the Acting British Consular Agent there, who informed him that a letter had been received from Mr. Rassam, which contained satisfactory intelligence of his proceedings in Abyssinia.

No. 81.

Commander Hardinge to the Secretary to the Admiralty.

"*Persian*," at Sea, Lat. 12° 13' S., Long. 44° 0' E.,
February 19, 1860.

Sir,

I HAVE the honour to report the capture of the dhow "*Salamati*," under Arab flag, by Her Majesty's sloop under my command on the 14th instant, under the following circumstances:—

When first seen she was running for the Island of Mohilla, and in the course of three hours was come up with and boarded by Lieutenant R. E. G. Earle (Senior Lieutenant). She was from Zanzibar, bound for Mayotta and Nos Beh, and had at the time of boarding more than double the number of persons mentioned in the pass from Her Majesty's Consul at Zanzibar. The passes granted by him invariably mention the number of crew and passengers as a guide to Her Majesty's cruisers. Having no interpreter on board, I carried her into Pomony, Johanna, also for the purpose of landing a French subject who was a passenger.

No crew or passenger lists were produced to Lieutenant Earle, and papers purporting to be such, but denied to be so by the Dragoman to the British Consulate, were withheld till after arrival at Johanna.

On the translation furnished by an Arab from the shore, I released all but two slaves, the Dragoman not having arrived at Pomony at that time; but, as I state above, he, on arrival, denied the accuracy of the lists, which he has given me in writing.

My reasons for detaining her were:—

1. For the large number of persons above the pass.
2. For having three different flags on board.
3. For having two large boats on deck, not customary in trading dhows.
4. For having tanks capable of holding nine tons of water, besides innumerable water-skins.

The extreme prevarication of the agent (the owner having landed at Comoro) on being boarded, and who spoke English, and his denial in the first place of having touched anywhere, whereas he had touched at Monfia and Comoro, first caused suspicion.

In accordance with Article 31, page 5 of the Slave Trade Instructions, I have to state:—

1. That she cleared out from Zanzibar on a trading venture to Madagascar ostensibly.
2. It was not possible to ascertain where the slaves were shipped, as the agent contradicted himself so frequently.
3. With regard to equipments, the slaves carried in dhows are not usually ironed, but I have strong suspicions that she landed slaves at Comoro, which may account for the unwillingness of the agent to admit having called there.
4. The "*Salamati*" is well known as having frequently carried large cargoes of slaves, and was the subject of a correspondence between Her Majesty's Consul, Comoro Islands, and Her Majesty's Consul for Zanzibar, having landed about 200 slaves at Comoro on that occasion. The owner has amassed great wealth in the Traffic, and it is a cause of regret that he landed so shortly before her capture.

After having removed the small cargo she had on board, consisting of betel-nut, corn, rice, and some arms and ammunition, she was burnt on the 18th instant, previously having been surveyed and found unfit for a voyage to a port of adjudication.

I have, &c.
(Signed) E. HARDINGE.

Inclosure 1 in No. 81.

Commander Hardinge to the Secretary to the Admiralty.

*"Persian," at Sea, Lat. 12° 13' S., Long. 44° 0' E.,
February 19, 1860.*

Sir,
IN accordance with Article 18, page 3, of the Slave Trade Instructions, I have the honour to submit the following:—

My remarks must almost take the form of an explanation, the boarding officer's Report being so laconic and leaving so much to be explained.

1st. The detaining a dhow for touching at one of the numerous ports on her route would be unjustifiable were there not the concurrent circumstances that slaves can be procured at Comoro, and that labour is in great demand at Mayotta by the French planters, where the dhow was to touch.

2dly. The abrupt manner in which the determination of detention of the vessel appears to have been conveyed I understand was not the case.

3rdly. The stress laid upon the number specified in the pass granted by Her Majesty's Consul at Zanzibar being exceeded is to be explained by the fact that those passes specify the number of crew and passengers, and that that document is the only one intelligible to Her Majesty's cruisers.

4thly. With regard to the complaint of the master on being detained, and his statement that his supernumeraries were passengers, I cleared up (as far as I could) that point as early as possible by procuring an interpreter to translate the papers of the dhow.

Although I had every reason to believe that the interpreter was bribed by the other party, I at once released, and gave their goods to those whose names he produced on the translation.

The translation and lists of crew and passengers were proved subsequently not to be such by the dragoman of the British Consulate, who stated that the papers were pay papers and log, and not such lists are usually carried in dhows.

I have, &c.
(Signed) E. HARDINGE.

Inclosure 2 in No. 81.

Report of Lieutenant Earle on Boarding the dhow "Salamati," as required by the Slave Trade Instructions, page 3, Article 18.

ON boarding the said dhow I saw a larger number Africans than I thought sufficient for navigating her. On asking her captain where he got them, he said at Comoro; upon telling him I should detain him, he contradicted himself and said they came from Zanzibar.

I afterwards found out from a Frenchwoman on board that he had taken in passengers from Comoro. On counting the crew and supposed slaves I found them to number about sixty-four, and on reference to a pass he produced from the Consul at Zanzibar I found he ought only to have thirty on board.

He made a complaint on being taken, and said the extra number of persons on board were not slaves, but passengers from Comoro.

Dated on board Her Majesty's sloop, "Persian," at sea, this 14th of February, 1860.

(Signed) HAMILTON EARLE, *Senior Lieutenant.*

Inclosure 3 in No. 81.

Commander Hardinge to the Secretary to the Admiralty.

*"Persian," at Sea, Lat. 12° 13' S., Long. 44° 0' E.,
February 19, 1860.*

Sir,
HAVING found it necessary to destroy the dhow "*Salamati*," prize to Her Majesty's sloop "*Persian*," I have the honour to state the following in accordance with Article 31, page 5, of the Slave Trade Instructions:—

That her length measured from the after part of the stem to the fore part of the stern post was 86 feet. Inside breadth on the under side of the upper deck 18 feet. Depth from underside of the upper deck to keelson 12 feet.

The above measurement was made by a lieutenant, master, and carpenter of this ship.

I have, &c.
(Signed) E. HARDINGE.

No. 82.

Lieutenant-Commander Garforth to the Secretary to the Admiralty.

Sir,
"Penguin," off Port Durnford, April 2, 1866.
IN compliance with the New Book of Slave Instructions I have the honour to inform you, for the information of the Lords Commissioners of the Admiralty, that while cruising in Her Majesty's ship under my command for the suppression of the Slave Trade off Port Durnford, I sighted on the morning of the 2nd April two dhows standing to the northward. I immediately proceeded in chase; the two dhows on sighting us made for the land having a strong breeze in their favour.

I succeeded in getting within a short distance of them in this ship, but the water shallowing I had to anchor.

I sent the boats away as soon as possible in charge of Lieutenant Miller, but the dhows in the meantime had been run on the reefs, the slaves in large numbers were landed and driven into the country. Considering these two dhows to be engaged in the unlawful Traffic in Slaves, I measured them, then caused them to be destroyed.

I have, &c.
(Signed) EDMD. GARFORTH.

No. 83.

Lieutenant-Commander Garforth to the Secretary to the Admiralty.

Sir,

"Penguin," Ras Mahben, April 29, 1866.

IN compliance with the new book of instructions for the suppression of the Slave Trade I have the honour to inform you, for the information of the Lords Commissioners of the Admiralty, that whilst cruising off Ras Mahben on the 26th of April, I sighted a large Arab dhow lowering her sail and anchored close in under the high land. I immediately proceeded toward her, and when within a short distance the dhow made sail towards the ship, keeping close in shore, taking no notice of a boat lowered to board her, and two blank guns. I fired several shotted guns at her, knowing now that she must be a slaver. I ceased firing for the sake of the slaves; the dhow was run on the rocks through a very heavy surf to avoid capture; and it was found by Lieutenant Miller, who was in charge of the boats, that it was impossible to get alongside the dhow to secure the slaves, it being certain destruction to the boats; the dhow filling with water numbers of slaves were drowned. Several men belonging to the cutter in the most praiseworthy manner, at the risk of their own lives, swam through the surf and succeeded in rescuing a few of the slaves. This dhow was from Zanzibar, bound to Muscat with over 200 slaves on board.

On the morning of the 27th at low water, and the surf having moderated, I was enabled to reach and measure the dhow, and found her fast breaking up. On the following day she was totally destroyed; the number of slaves recovered 28.

I have, &c.
(Signed) EDMD. GARFORTH.

No. 84.

Commander Purvis to the Secretary to the Admiralty.

Sir,

"Pantaloan," at Aden, May 19, 1866.

WITH reference to paragraph 2, page 101, Article 408 of the Instructions for the Slave Trade, I have the honour to report to you that on the 30th day of April near Muscat, in latitude 23° 23' north and longitude 58° 52' east of Greenwich, I captured a slave dhow, name unknown, under no colours and having no papers; she had on board 84 slaves.

On the same day, a few hours later, I captured a second dhow that had apparently just landed her slaves: she had slave fittings consisting of large tanks, a great quantity of slave food, cooking utensils, cooking arrangements, slave platform, and her hold still contained the excrement of the slaves. She used every endeavour to get away, and showed no colours and no papers.

In the afternoon of the same day I captured another dhow having on board 47 slaves. On giving chase and opening fire, the crew of this vessel abandoned the dhow and escaped on shore in their boat. She likewise showed no colours and no papers. I landed the crews of the two first dhows at the most convenient spot.

On the 1st of May at 1.20 P.M., when in latitude 22° 32' north and longitude 59° 49' east of Greenwich, I gave chase to two dhows of suspicious appearance. Both vessels, though repeatedly fired ahead of, ran for the shore. One dhow succeeded in landing the whole of her slaves, the other only a portion; and I succeeded in bringing off 78 slaves, the Arab crew escaping. Neither of these vessels showed any colours, nor were there any papers found on board. The whole of the above-mentioned dhows I burnt and destroyed.

On the 2nd May, when in latitude 21° 57' north and longitude 69° 40' east of

Greenwich, I chased, drove ashore and destroyed another dhow that showed no colours, and I observed her land about 200 slaves. Three only were rescued, and these swam off through the surf. Our own boats could not land, but I effectually destroyed the dhow with shot and shell.

I am of opinion that if a vessel of good speed, similar to the "Vigilant" or "Penguin," was sent about the beginning of April to cruize to the southward of Muscat between that port and Ras-al-Hadd, a severe blow could be struck against the Slave Trade. No vessel of war has cruized in that neighbourhood for the suppression of the Slave Trade until the "Pantaloon" made her appearance, for certainly three and a-half years; consequently dhows having arrived so near their destination (Muscat), feel themselves secure from capture and are not prepared for being cut off at the eleventh hour, though they all kept an excellent look-out and ran for the shore immediately we were made out to be a man-of-war.

A fast vessel is required to ensure capture, the slave dhows being of beautiful models, sailing like yachts, and in build very similar to huge first-class Ryde wherries. I would further suggest, if coal could be obtained at Muscat, that the vessel cruising should on starting take in at least twenty tons deck cargo of coal, as it is of no use attempting to sail.

Dhows would escape a ship under canvas with the greatest ease, and if the vessel cruising has to leave her station for fuel, much valuable time would be lost and many dhows succeed in escaping. If coal cannot be had at Muscat, Bassadore would be the nearest coaling station; but the coal supplied there to the "Pantaloon" was of the very worst description, and burnt very rapidly.

I have, &c.
(Signed) H. R. PURVIS.

No. 85.

Lieutenant Garforth to the Secretary to the Admiralty.

Sir,

"Penguin," Aden, May 4, 1866.

IN pursuance of orders received by me from Captain Bradshaw, Her Majesty's ship "Wasp," to proceed to the northward of Zanzibar, for the suppression of the Slave Trade, I have the honour to inform you that I left that port on the 29th of March.

While standing in for the land off Port Durnford on the 2nd of April, I observed a dhow, which on sighting us altered course. I immediately chased her, and boarded her at noon. She proved to be an honest trader, bound to Zanzibar.

I now proceeded in chase of two other dhows, which were run on the reef to avoid capture. The slaves were landed before the boats of this ship could get up to them. The vessels proved to be slavers, the particulars of which captures I have the honour of inclosing.

On the 3rd of the month I boarded four dhows. One I observed in the evening some distance from the land, with her sail lowered. She had been some days at sea very much in want of water, which I supplied her with. The master of the vessel stated he was bound from Aden to Mozambique, and was afraid to go into any of the Somalies ports for water.

On the 5th of the month I anchored in Port Kidma (Juba Islands), where I remained forty-eight hours.

Weighing on the 7th, I proceeded under easy sail to the northward, standing off and on the shore, boarding all dhows sighted; these dhows proved to be honest traders bound to Maculla and Muscat with grain.

Having heard that Ras Mabber was one of the chief watering-places for dhows proceeding to the north, I anchored there on the 23rd of April. A great many dhows arrived daily for water, all of which I boarded. Ras Mabber forms a good anchorage during the south-west monsoon. Sheep of a reasonable price and very good quality are to be obtained.

On the 26th of the month, while cruising off Ras Mabber, I sighted a dhow anchored under the high land. I immediately steamed towards her, when she made sail and was run on shore. This vessel proved to be a slaver bound from Zanzibar to Muscat, the particulars of which capture I have the honour of inclosing.

On the 30th of April, having slaves on board, I left Ras Mabber for Aden.

under steam, where I arrived this day, having boarded fifty-one dhows since leaving Zanzibar.

I have, &c.
(Signed) E. GARFORTH.

No. 86.

Commodore Hillyar to the Secretary to the Admiralty.

Sir,

"Octavia," at Trincomalee, June 11, 1866.

WITH reference to your letter of the 27th April last, and inclosures from the Foreign Office, dated the 26th April, directing me to take measures for the discovery of the supposed survivors from the ship "St. Abbs," wrecked on the East Coast of Africa in the year 1855, their Lordships will already be informed by my letter of the 25th May (a duplicate of which goes by this mail) that I have given strict orders to the Senior Officer on the South-East Coast of Africa to use his utmost endeavours to gain any information relative to these supposed captives.

2. I have also forwarded a copy of your letter and its inclosures to Captain Pasley, for his further information, and have again urged him to attend strictly to my orders on this important subject.

3. The "Lyra" has just arrived here, and reports having visited the part of the coast near Ras Haffron, in accordance with the wishes of Colonel Merewether, Her Majesty's Political Resident at Aden, but could not gain any intelligence of the fate of these men.

I have, &c.
(Signed) C. F. HILLYAR.

No. 87.

Commander Parr to Commodore Hillyar.

*"Lyra," at Sea, Lat. 12° 9' W., Long. 58° 23' E.,
May 9, 1866.*

Sir,

I HAVE the honour to report that on the 8th instant, whilst cruising off the Island of Socotra, I fell in with a dhow, flying Arab colours, but without any papers. She had on board 127 slaves, a large quantity of rice, dates, cocoa-nuts, cooking utensils, water-tanks, an accommodation for slaves like unto a mason's ladder, and a slave-deck, and other articles adapted for the Slave Trade; and as she was, as reported by the surveying officers, unfit to proceed to a port of adjudication, I scuttled her. Her crew were landed at Bonay at their own request, and the slaves I received on board for passage to a British settlement.

I have, &c.
(Signed) ROBT. T. PARR.

Inclosure in No. 87.

RETURN of Vessels Detained as being engaged in the Slave Trade, and sent into Port for Adjudication.

Date of Detention.	Where: if at Sea state Latitude and Longitude.	Name of		Under what colours.	How rigged.	No. of			Where			Date of Sailing from last Port.	Nature of Cargo.	To whom consigned.	If with Slaves on board.				Of the Prize Crew.				To what Port sent for adjudication.	Name of		Condition of the Slaves and Vessel, stating the Number of Deaths before Adjudication, and the Number Emancipated.	Circumstances which have induced the Captain to detain the vessel, with General Remarks.		
		Vessel.	Master.			Owner, and of what Place.	Men.	Guns.	Tons.	From.	Bound.				Belonging.	Men.	Women.	Boys.	Girls.	Where Shipped.	Name and Rank of the Officer in charge.	Subordinate Officers.		Petty Officers and Seamen.	Marines.			Boys.	Agent in London.
1866 May 8	Off Socotra Island	Unknown	Unknown ...	Unknown	Arab	Dhow	23	...	128-9927	Zanzibar	Muscat	Muscat	April 22	127 slaves	...	18	16	69	36	Zanzibar	...	...	...	...	...	...	Messrs. Hallett, Oummaney, and Co.	Vessel scuttled. 1 woman dead and 136 emancipated.	Having 127 slaves, no papers, large quantities of rice, dates, coconuts, cooking utensils, water-tanks, a shave-deck, and other articles adapted for Slave Trade.

"Iqra," May 9 1866.

(Signed)

ROBERT T. PARR, *Commander.*

No. 88.

*Commander Purvis to Commodore Hillyar.**"Pantaloan," at Sea, Lat. 21° 57' N., Long. 59° 40' E.,
May 2, 1866.*

Sir,

I HAVE the honour to inform you that on the 1st instant, when in latitude 22° 32' north, and longitude 59° 49' east of Greenwich, I caused the Turkish vessel "Laonvie" to be boarded and searched under the following suspicious circumstances:—

2. The vessel "Laonvie," sighted in the early part of the afternoon of the 1st of May, did not attempt to show any colours, although the British ensign was flying at the peak of Her Majesty's sloop under my command the whole time, and shots were fired repeatedly during the day from this vessel in the immediate neighbourhood whilst chasing dhows and bringing them to.

3. I then went in chase, and about 5.30 P.M. stopped this ship's length astern of the strange sail, and sent Lieutenant Gully on board to examine her. It was only after the boarding officer had repaired on board, and requested the person in charge to show her colours and papers, that the Turkish man-of-war flag was produced and hoisted.

4. The "Laonvie" had sailed from Hodeidah and was bound to Bessorah; she had on board upwards of forty Africans besides her crew; the person in charge stated they had been shipped at Hodeidah for the purpose of working the pumps, as the "Laonvie" was in a leaky condition.

5. The master, a Maltese, was apparently under the authority of a military officer, and stated he had requested him to show the colours, but to no purpose.

I have, &c.

(Signed) F. R. PURVIS.

No. 89.

Commodore Hillyar to the Secretary to the Admiralty.

(Extract.)

"Octavia," at Trincomalee, June 11, 1866.

I HAVE the honour to transmit herewith a copy of a letter received from Captain Bedingfield, of Her Majesty's ship "Wasp," dated Zanzibar, the 20th April last, and of its inclosures, detailing the proceedings of the squadron on the South-east Coast of Africa, then under his orders, which I think will prove interesting to their Lordships.

Their Lordships will perceive that Dr. Livingstone and party have been safely landed by Her Majesty's ship "Penguin" at Rovuma Bay, to proceed on their expedition into the interior of Africa, and they will be glad to learn that Dr. Livingstone has expressed himself highly gratified and pleased with the manner he has been treated and supported by the officers of Her Majesty's ships under my command, and agreeably to their Lordships' wishes.

Inclosure 1 in No. 89.

Captain Bedingfield to Commodore Hillyar.

(Extract.)

"Wasp," at Zanzibar, April 20, 1866.

I HAVE given Acting Commander Andoe orders to proceed to sea the moment he is ready, and have instructed him to call at Johanna, in compliance with a request from Her Majesty's Consul there, whose letter I have the honour to annex for your information. I have also given orders that the "Vigilant" shall call in occasionally off the Rovuma River, to ascertain whether Dr. Livingstone is in want of assistance.

I have used the greatest exertions to get this ship completed in coals and provisions, leaving the repairs of boilers and screw until we get to sea. And I regret to have to inform you that large numbers of slaves have already left for the northward, and there are several dhows known to be preparing to start. I shall make the best of my way down to Ras Haffoan, to endeavour to cut some of them off, and I trust the "Penguin" may already have done so, but with three crippled vessels, the "Wasp" being now the most efficient of the three, I fear that but little can be done to check this immense and I hear increasing trade in slaves. The extent of coast is so great and the dhows themselves sail so fast, that many and indeed most must escape, and one in five getting clear pays for all losses.

I am happy to inform you that the Sultan of Zanzibar has been showing a little activity in capturing some of the kidnapped slaves waiting for embarkation here. I paid my respects to him on the 19th, and was favourably received.

We sail to-morrow morning at daybreak, complete with coals and provisions, and I trust to give a good account of some of the dhows who may not have gone up the coast.

Inclosure 2 in No. 89.

Lieutenant Garforth to Captain Bedingfeld.

(Extract.)

"Penguin," at Zanzibar, March 16, 1866.

IN pursuance of orders received by me at Seychelles from Captain Bradshaw, of Her Majesty's ship "Wasp," dated Zanzibar, February 7, 1866, to proceed to Johanna to embark men for Dr. Livingstone, and take them to Zanzibar.

Having embarked ten men for Dr. Livingstone, I left Johanna on the 9th of this month, and arrived at Zanzibar on the 13th.

Dr. Livingstone having represented to me, in an official letter, which I have the honour of inclosing, the importance of his at once proceeding to the Rovuma with his expedition, thinking that Her Majesty's ship "Vigilant," which vessel had orders to attend on him might be detained at Seychelles, I thought I should be carrying out the wishes of the Senior Officer by taking him in this ship; I therefore embarked him with his men on the 19th of this month, taking a native vessel containing his beasts of burden in tow, and arrived at the Rovuma River on the 22nd instant. On account of the rain, the fresh running out of the river was so strong that we had great difficulty in getting the dhow to the place where Dr. Livingstone wished to land at. On examining the mouth of the river it was found to be very shallow, hardly enough water for a boat.

The country likewise was in a very swampy state, so much so that it would have been impossible to get the camels across. Giving up all idea of being able to land the expedition at the Rovuma, we weighed on the morning of the 25th; taking a dhow in tow for Imkendany Bay, where we arrived at 3 P.M. Immediately on arrival I proceeded with a boat's crew into Pimlea Harbour, where we beached the dhow, and hoisted out the beasts of burden safely.

Inclosure 3 in No. 89.

Consul Livingstone to Lieutenant Garforth.

Sir,

Zanzibar, March 16, 1866.

I HAVE the honour to bring to your notice the state of the expedition with which I am intrusted by Her Majesty's Government, and to beg you to take it into your kind consideration with a view to render us what aid may be in your power.

We were detained a long time at Bombay waiting for the man-of-war appointed by the Commodore to convey us to the East Coast, that detention was not so injurious to us as that which we have suffered here, for though the whole party has been liberally provided for by His Highness the Sultan, many of us have suffered severely from fever, and all are daily becoming physically much less fit for the arduous duties before us. This deterioration arises solely from want of employment in an unhealthy climate, and if we remain much longer I feel that we shall be obliged to abandon the work entrusted to us by Government.

In addition to the failure of health in ourselves personally, we have lost ten beasts of burden, others are sick; and as I know nothing more conducive to recovery for ourselves and animals than active employment, I crave the favour of your assistance as far as the Rovuma, and I earnestly hope that the aid which you can most effectually render may not seriously interfere with your other duties on the Coast.

From the uniform readiness with which the Admiralty have always granted me all the assistance in their power, I feel positive that their Lordships would promptly approve of your lending me a helping hand.

I have, &c.

(Signed) DAVID LIVINGSTONE.

Inclosure 4 in No. 89.

Consul Livingstone to Lieutenant Garforth.

Sir,

"Penguin," Roouma Bay, March 22, 1866.

I BEG to have to offer you my very hearty thanks for the most opportune and important service you have now rendered to the expedition with which I have been intrusted by Her Majesty's Government. You very kindly enabled me to leave Zanzibar where nearly all my men were fast losing their health, strength, and spirits, and now that I am on the point of proceeding up the River Rovuma, I feel duly sensible of the value of the aid you have rendered to them and to me. At the instance of the Foreign Office, the Lords of the Admiralty kindly arranged that assistance should be rendered to me by Her Majesty's cruisers on this Coast, and I shall take the liberty of requesting the authorities at the Foreign Office to signify to their Lordships that their wishes have been carried out by you and others, and that I depart on my journey deeply thankful for the favours they have bestowed. I take the liberty also to express to you personally my sense of obligation for the very polite attentions of yourself and officers during the voyage with sincere thanks.

I have, &c.

(Signed) DAVID LIVINGSTONE.

No. 90.

Captain Bedingfeld to Commodore Hillyar.

Sir,

"Wasp," Gallonsier Bay, Island of Socotra, May 25, 1866.

I HAVE the honour to inform you that, before leaving this anchorage on the morning of the 22nd instant, one of the principal Chiefs came on board with three
CLASS A.

slaves he wished to deliver up to me, as he stated they had no wish to be thought unfriendly to the English, or in any way implicated in the Slave Trade.

I informed him that I was about to proceed to Tanmeed to consult the Sultan regarding this matter, as I had been informed five slaves had been landed, and a considerable sum of money.

Having carefully examined all the north side of the island, I returned to Tanmeed, and anchored, sending the Inspector on shore; he was informed, however, that he could not land so late at night, as the Sultan was away at Mecca, and they requested him to come in the morning.

We then found that, in the absence of the Sultan, his son (a young man I had seen at Gallonsier, and who had sent off the three slaves) was his representative, and he was expected to arrive the same night. I accordingly waited for him, and on the morning of the 24th the principal Chiefs came off to say he had arrived, and would be glad to see me. These men were shown every attention on board, and went away delighted, with all they had seen, and the best of friends.

I landed at 5 o'clock, and found the Sultan's son waiting my arrival. He assured me they could not find any more slaves, or the money, although they had used their best endeavours, and he had ordered all the Soories off, and that I was welcome to search the village if I pleased, and he gave me permission at any other time to land my men at once, and the villagers would help me to secure the slaves or any thing landed from a slave dhow.

With this I was obliged to be contented; and, after exchanging small presents and a profusion of compliments, we parted, apparently the best of friends.

From information I have been enabled to gather, this is the only place at which the slave dhows water on this island, the average during the season they say is about fifteen; seven have already been here this year, and having burnt so many south, I do not expect many more; but with my boats at Aby el Koony, and the ship here, the only two watering-places for them, we may yet intercept one or two more.

We were, however, at least a month late at getting to work, and the Station was entirely new to me; nevertheless, we have captured and destroyed eight slave dhows in one month—seven of them Soories—and I have no doubt, with proper arrangements, and two or three more ships, this northern Slave Trade might be completely crippled. I have used every exertion to obtain all the information in my power, and trust that, should you please to station me as Senior Officer on this part of the station the beginning of March next year, that much more may be done than we have been enabled to do this season.

I have, &c.
(Signed) NORMAN B. BEDINGFELD.

No. 91.

Commodore Hillyar to the Secretary to the Admiralty.

Sir,

"Octavia," at Trincomalee, June 25, 1866.

I HAVE the honour to inclose, for their Lordships' information, letters from Captain Bedingfeld, Her Majesty's ship "Wasp," dated respectively the 21st, 23rd, and 27th April, and 2nd May, and inclosures, reporting having captured six dhows. I have approved of Captain Bedingfeld's proceedings, excepting the landing of half the crews of the boats at Poombey Island by Lieutenant Simeon, with the approval of Captain Bedingfeld, to destroy barracoons, it being contrary to their Lordships' instructions and to the station orders; and the landing might have been attended with serious results had the Arab crews of the dhows, numbering twenty-four in each dhow, which are reported in Captain Bedingfeld's letter of the 2nd of May (paragraph 7) as having been fully armed, attempted to oppose the advance of our men in the bush for the destruction of these worthless barracoons, which could easily be re-built in a few hours.

2. I consider it very hazardous for boats' crews to land for the suppression of the Slave Trade on this station, unless protected by the guns of their ships.

I have, &c.
(Signed) CHAS. F. HILLYAR.

Inclosure 1 in No. 91.

Captain Bedingfeld to the Secretary to the Admiralty.

Sir, "Wasp," off Zanzibar, April 21, 1866.
I HAVE the honour to inform you that on the morning of the 21st instant, when proceeding along the west shore of Zanzibar towards the northward, a suspicious looking Bedani dhow was observed standing in for the land, chase was immediately given when finding she could not be run on shore before we were up with her, the crew put as many slaves into their boat as possible and escaped to the shore, leaving the dhow adrift with twenty-seven slaves, viz., 5 men, 3 women, 13 boys, and 6 girls.

2. I took her in tow and proceeded on my way, having her surveyed and finding she was quite unfit for a sea voyage to Aden (our nearest port of adjudication); I caused her to be measured and destroyed, taking the slaves on board this ship, until an opportunity occurs of forwarding them to Aden.

I have, &c.
(Signed) NORMAN B. BEDINGFELD.

P.S.—From information from the other slaves she must have had on board about sixty slaves altogether.

N. B. B.

Inclosure 2 in No. 91.

Captain Bedingfeld to Commodore Hillyar.

Sir, "Wasp," off Pumba Island, April 23, 1866.
I HAVE the honour to report that when at anchor off Pumba Island in the harbour of Chak Chak, a small dhow was seen making for Port Cockburn, and a boat when sent to bring her too found that beside his proper crew of five as mentioned in her Custom-house clearance paper, she had no less than nine negroes on board and one northern Arab who called himself a passenger.

2. On first boarding this vessel the captain of her pointed out his crew of five superior negroes, but on investigating the matter on board this ship when our principal interpreter returned, he, the captain pointed out as his crew eight other negroes; when told to account for three more than mentioned in his clearance, he confessed that the papers were not his but belonged to the former captain.

3. The Arab also stated he had two slaves on board.

4. She had no colors. This appeared to me to be a very clear case of a frequent practice done here, the smaller vessels not likely to be suspected of being engaged in the Slave Traffic, take on board three or four more than their clearance mentions. These negroes are turned over to the large northern Arab dhows waiting at the great rendezvous at the north end of this island; by this means and by kidnapping all stray field negroes and fishermen, they complete their cargo and get away before the 1st of May, when permission is given to carry domestic slaves between the Sultan's possessions, and the great Traffic commences.

5. Under these circumstances I detained her.

6. My screw being damaged and under repair, the south-west monsoon having also set in strong, rendering it quite impossible for me to return to Zanzibar without too great delay to the service I was engaged on, I therefore determined to destroy her and send the crew and slaves to our nearest Vice-Admiralty Court, Aden, so soon as an opportunity offered.

7. I trust making an example of this dhow will check all such illegal proceedings in the future.

I have, &c.
(Signed) NORMAN B. BEDINGFELD.

Inclosure 3 in No. 91.

Captain Bedingfeld to Commodore Hillyar.

Sir, "Wasp," off Pemba Islands, April 27, 1866.
I HAVE the honour to inform you that in consequence of information I received when at anchor in Chak-Chak harbour, of several Arab slave-dhows being secreted in the bays and creeks to the northward of the island, I determined to send a boat expedition as per margin, under the First Lieutenant and other Officers of this ship, to look them up.

The result of this is fully reported in Lieutenant Simeons' letter annexed; and I have only to add, I fully concur in his remarks about the other dhows, if sufficient evidence can be procured to condemn them. All these vessels are northern dhows, and it is perfectly well known they have no trade here in Pemba excepting that in slaves for the Persian Gulf.

I have, &c.
(Signed) NORMAN B. BEDINGFELD.

Inclosure 4 in No. 91.

Lieutenant Simeon to Captain Bedingfeld.

Sir, "Wasp," Chak Chak, April 27, 1866.
IN pursuance of your directions of the 22nd ultimo, I proceeded with the pinnace* and two cutters on Monday 23rd, up the Pemba Channel, making the best of my way for the Tongoney Gap, boarding several dhows on my way. On reaching the entrance of Foondo Gap, I got information that two dhows were anchored in a creek up Port George. I immediately put back, and on boarding one of them, a bedani, found her with tanks containing about 7 to 8 tons of water, and about 50 tons of rice, calavances, busk rice, Indian corn, dates, cocoa nuts, and

* Pinnace: 2 officers, 13 seamen, 4 Marines, with 9-pounder Armstrong gun. First cutter: 2 officers, 12 seamen, with 24-pounder rocket-tube. Second cutter: 1 officer, 11 seamen.

dried shark, which is the common provision for slaves. She had papers of ten years' date, and worthless on my further searching. I found her with a slave-deck and several matchlocks loaded and ready for immediate use, also daggers and spears (I only mention the arms to point out the piratical nature of the dhows on this coast). I therefore considered her condemnable, and having landed the few men on board her, burnt her. I observed the remainder of her crew on shore with the slaves, ready to be put on board. I should mention, that on after information from the natives, I found that she had been robbing the coast of the working people whilst at work in the paddy fields.

I then proceeded for the Tongoney Gap, and anchored for the night. At daylight of the 24th I proceeded to round the Kejomatchy point, and on arriving at Toombay saw four dhows at anchor; and on sailing in, I observed one dhow, a battela, lauding her slaves, but unfortunately could not get up in time to intercept her boats. I boarded her at once, and found everything ready for sea. She had provisions for about 200 slaves; she was also strongly armed, and with no papers. On boarding the other dhows, I obtained information that two taronga were anchored off Cape Hay; and manning the captured dhow, made sail for Cape Hay, ordering the boats to follow, keeping my men well under cover. I took this step as I was in hopes of taking these two dhows with their slaves on board her, and was again so unfortunate as not to find slaves on board. One of them, a zaronga, was loaded with the necessary provisions for about 250 to 300 slaves, and with no papers. I considered her a legal prize, and proceeded at once to burn her, and also the dhow I had captured at Toom Bay, as it was impossible for me to take them back to the ship. I may also add, that all these dhows were strongly armed.

I then made my way back to Kejomatchy point, and anchored for the night. On the 25th I proceeded to round the point, and stood for Tongoney Gap, and it is to this part of the coast that I beg to draw your attention, as it is most dangerous owing to the strong currents and short-breaking sea on the reefs; it was only through the good management of the officers, and the working of the men that we rounded into Tongoney Gap, at about 6 P.M., and getting the boats together, proceeded for Port George, and anchored there at about 3 A.M. At noon of the 26th I again started for the ship.

I further beg to state, that all the dhows I boarded were northern dhows; that at Toombay there is a large dhow bugala and two gungers; the bugala is a sort of depôt for the others in which the money is kept, and whose crew procure and guard the slaves on shore. This dhow is commanded by the father of the family, whose children and relatives man the other dhows.

I consider that were the whole of these dhows destroyed, it would add greatly to the suppression of the Slave Trade.

I have the honour to congratulate you on the discipline displayed by the whole party, and the good behaviour and health of officers and men under my charge.

I have, &c.
(Signed) T. W. SIMEON.

Inclosure 5 in No. 91.

Captain Bedingfeld to Commodore Hillyar.

Sir,

"Wasp," at Gallonsier Bay, Island of Socotra, May 22, 1866.

I HAVE the honour to inform you, that when steaming in to Gollonsier Bay on the 21st instant, four dhows were seen at anchor off the village, one of which a northern dhow, immediately we hove in sight, landed a number of people. On boarding this vessel, it was found she had a slave deck laid, slaves having been recently on board; she had also a larger quantity of water than required for her crew, and a quantity of beans, rice, dates, and dried shark fins, used for slaves.

Before capturing this vessel I determined to obtain more information, and accordingly anchored the ship, and taking the interpreter with me, landed at the village. We were well received by the chief men, and soon found out that slaves had been landed when we hove in sight, and it was said a large quantity of dollars, the Arabs having taken all their boxes with them.

I also found that the master of this dhow had offered a slave for sale to the master of another vessel in the harbour, but they could not agree upon a price. Under these circumstances I pulled on board and captured her. I found two negroes on board, who informed me they were lent to the master as part of the crew; but they feared it was only a blind, and they would be sold at Muscat, and that there were five slaves landed in the morning. In consequence of this confirmation of the character of the vessel, I made a signal for another boat, and towed the dhow off to the ship, had her measured, surveyed and destroyed, detaining the two negroes of the crew on board, much to their satisfaction.

I have, &c.
(Signed) NORMAN B. BEDINGFELD.

Inclosure 6 in No. 91.

Captain Bedingfeld to Commodore Hillyar.

Sir,

"Wasp," off Pemba Island, May 2, 1866.

1. IN continuation of my report dated Chak-Chak, 27th April, 1866, I have the honour to inform you that as the boats returned from the north end of the island on the 26th instant, I took the galley and first cutter and proceeded to the fort, about nine miles distant, where the Governor of Pemba resides (a miserable place, mounting four or five small guns); it has an imposing front when seen at a distance, with a large round tower to the right of it; upon closer inspection, however, it is a mere ruin, all the back of the tower having fallen out many years since.

2. I had the double purpose of calling upon the Governor, and obtaining information. I found the Governor was absent at his farm; and having gone through the usual compliments, &c., with the other authorities, I left the cutter with the ostensible object of cutting grass, but really in order to get information.

3. Before I got out of the creek, however, I met the Governor coming back in haste, profuse in compliments and offers of service. I afterwards found his absence had been caused by an arrival of some 37 slaves, that had been run for him during a heavy shower of rain in the morning, when the dhow was enabled to run into a creek out of

sight of the ship. Unfortunately I could not bring this case home to him without endangering the life of our informant, but the fact is beyond doubt.

4. At the same time I received information that two northern slave dhows had been collecting slaves inside the Wasseen reef, off the mainland, and I determined to steam up to windward of them; and sending down the boats inside, to run down myself to Wasseen harbour, to intercept any vessel that might attempt to escape that way; the boats manned and armed, were again away under the charge of Lieutenants Simeon and Snowden, and other junior officers at 1 P.M. on the 28th, and we succeeded in getting the ship inside Waseen island by 8 P.M.; the boats returned sooner than was expected, as mentioned by Lieutenant Simeon's report. In consequence of his report, and information from the native of Pemba he brought back with him, I determined to start again for that island, and endeavour to rescue the man's relatives, and if I found the barracoons he mentioned, to destroy them.

5. To prevent the possibility of our being seen from Toombey, I steamed up to the Tongong Gap, and got my boats out there. On our way the native gave information of a barracoon inside the Gap, and I directed Lieutenant Simeon to take a look at it, if he could do so without endangering his men in the bush.

He found it to be situated up a muddy mangrove creek, with the water falling rapidly, so that the boats soon got aground; they, however, sent the man to reconnoitre, when he reported two Arabs sitting at the door, but from the absence of smell he concluded there were no slaves there just then.

6. Under these circumstances and it being important to get to Toombey before daylight, Lieutenant Simeon deemed it prudent to proceed at once to get round to Kegamatchy Point, with the hope of surprising the dhows there before they could land their slaves; unfortunately the first cutter was run on the reef in a heavy rain squall, and badly stove; by the exertions of officers and men, who were in the water some three hours, she was got off, but had to be beached for repairs when round the point, and to the mortification of all they were discovered and boats were immediately seen busily landing the slaves.

7. As soon as the repairs could be effected they pulled for the island where the barracoons were situated, but only to find that the slaves had been hurried away, leaving their fires still burning and every evidence of a hasty departure; the barracoons, three in number, capable of holding between 400 and 500 slaves, were destroyed by my orders. They then went on board the three dhows at anchor off the place; two of the three that had been boarded on the last visit were now found to have lain their slave decks and got part of their provisions and water on board, having no further doubt about their intentions; they were accordingly brought out to Cape Hay, where I had succeeded in bringing the ship with difficulty, and having examined them myself and found them fully fitted for the Slave Trade, I caused them to be destroyed, landing the crews of northern Arabs, numbering some twenty-four able men for each dhow. They were fully armed; besides two small guns each they had a number of muskets, swords, and daggers of Soorie manufacture and very superior weapons; some of the prisoners came on board for the night and were immediately recognized by some of the children slaves we have on board, captured in another dhow, as the men who had kidnapped them.

8. The other large Bugala dhow was still careful not to have anything on board that would condemn her, and we reluctantly left her, hoping to catch her further north. She is, as Lieutenant Ernest Simeon reported, a sort of depôt ship for the concern, which appears to be well organized under one head man, who is in the pay of the Imaum of Muscat, as he himself acknowledged.

9. During the slave seasons, when these northern pirates arrive, they take complete possession of this end of the island; not being allowed to hire houses at Zanzibar, they have erected here their barracoons, and the difficulty of approach, even for boats, is so great that it is almost an impossibility to surprise them before they can bring their slaves off in the bush; they are a perfect curse to the harmless inhabitants, too strong and well armed to be interfered with, they rob the people of their children and domestics, and even when short of provisions, dig up their farm produce without leave or license.

10. The head man for this end of the island assured the interpreter we had done the inhabitants the greatest possible service, and he only hoped we should succeed and make the island too hot to hold these Arabs, when they, the inhabitants, would be able to cultivate their farms and fish in peace. Since our last visit here he stated that they had got away some 500 slaves before the 1st of May, when permission is given by the Sultan of Zanzibar to carry about domestic slaves in numbers; the principal supply is, I believe, brought by twos and threes in the trading boats and dhows, many of them kidnapped in this neighbourhood; after the 1st of May they come in greater numbers, and a letter was found on board one of the dhows stating as much, there was also an order for slaves from an inhabitant of Muscat.

11. In conclusion I beg leave to state, that to the prudent and able management of Lieutenant Simeon and the other officers under him, and the steady good conduct of the men, I attribute under Providence the successful termination of an expedition which must be felt as no slight blow to the Northern Slave Trade for this season. Two large dhows besides the barracoons have been destroyed in this place, without a man being injured, the service was performed in a perfect deluge of rain, in fact the boats' crews have scarcely had a dry day, but I am happy to say are none the worse.

12. I cannot help mentioning and begging you will move in the matter, that the charts of this coast are most incorrect and not to be trusted, consequently much increasing the anxiety always attending this sort of service; they are most of them about forty years old, and a new survey is greatly needed, or great danger must attend the navigation of Her Majesty's ships in these waters.

Hoping to meet with your approval, I have, &c.

(Signed) NORMAN B. BEDINGFELD.

N.B.—I have only to add that while proceeding to the northward on the 8th instant, we fell in with and chased a Bugala dhow, that proved to be the one we left at Toombey, she had been frightened away without slaves and was on her way to Muscat empty; she had on board the crews of the dhows we destroyed, with the exception of one man Juma ben Masono, who was left to wind up the concern and probably to bring on, if possible, the remainder of the slaves; if so, I trust we may yet fall in with him.

N. B. B.

Inclosure 7 in No. 91.

Lieutenant Simeon to Captain Bedingfeld.

Sir,

IN pursuance of your directions of the 28th April, I proceeded with the pinnace and two cutters into the Wasseen Channel, running up along the land to the northward. On reaching the village of Motonata, I observed two

"Wasp," at Sea, May 5, 1866.

small trading dhows at anchor, and boarded them. I got information that two northern dhows were at anchor to the northward of Pungard Point, and at once proceeded in search of them; I was misinformed, and had to anchor for the night.

At daylight on the 29th, I proceeded for the village of Tonga, when on visiting the Chief I was lucky enough to find a native who had just come over from Toombey in Pemba Isle, and complained most bitterly of having had his brother and sister stolen by the company of slave-dhows in Toombey only five days back (which company I had the honour of mentioning to you in my letter of proceedings of the 27th ultimo), and finding that the native was most anxious to avenge his cause, and, if possible, recapture his missing relatives, I deemed it most advisable to take him back to the ship, he also informing me on the way back that he knew of slave-barracoons being at Toombey Isle, and only one mile from where this nest of slave-dhows were anchored.

After making the utmost expedition, I have the pleasure of reporting myself and party to you on the same evening:

I have, &c.
(Signed) T. W. SIMEON.

Inclosure 8 in No. 91.

Lieutenant Simeon to Captain Bedingfeld.

Sir,

"Wasp," at Sea, May 5, 1866.

ACCORDING to your directions I took the pinnace and two cutters under my charge, and entering the Tongony Gap on the evening of the 30th April, proceeded in search of dhows and a slave-barracoon said to be at Foondo, I boarded two northern dhows, but though suspicious, could not burn them, nor could I take them back to the ship, not knowing the passage through the reefs; I accordingly pushed on for the said barracoon, and after sending the informant to reconnoitre, found that he could not hear of any slaves being in the barracoon at the time, and it being very dark and raining hard at the time, I deemed it my duty not to risk my men in an unknown bush, and so put back not being able to burn it.

I then proceeded on my way to round the Kegomatchy Point, but when about half-way between the Tongony Gap and the point, had the misfortune when leading the other boats of striking on the reef, and only had time to warn the other boats off when we filled. I ordered the other boats to stand by me, but out of danger, and getting all hands overboard succeeded in getting the boat within two feet of water, on top of the reef, when I endeavoured to catch her up. It was impossible to make a good job of it, as heavy rollers began to set in, but I shoved off again into deep water outside the reef (this step I took for fear the other boats should have seen me inside the reef had I gone there and tried to follow), and keeping six men bailing I made sail to round Kegomatchy Point, I may add that we were in the water for about three hours that night. At daylight on the 1st of May I observed the pinnace and second cutter at anchor, having rounded the point in safety, and giving my men hot coffee made for pinnace's crew, proceeded at once for Toombay. On sighting the harbour I observed three northern dhows at anchor (which dhows I had seen there on my last visit), and observed seven or eight boats plying between them and the shore crowded with supposed slaves; it was impossible for me to intercept them, so I pulled past the dhows and made for a low sandy beach close to the Island of Toombay, this being the only beach I could get. I hauled the cutter up and proceeded to mend her at once (I took this step as if had I met with any resistance all my boats would have been available), leaving the pinnace and second cutter to watch the dhows.

As soon as the first cutter was patched up, I landed half my men on Toombey Island, and proceeded to the slave-barracoons, which I found to be three in number, and with all the appearance of slaves having been in the immediate use of them, in so far that their fires were still alight, and their footmarks in numbers round the place. I accordingly burnt them, and returned to the boats.

I then boarded the nearest dhow, a bugala, and found her in every way ready for slaves; I left a guard on board her, and boarded another bugala, but found her in precisely the same state I had last seen her, she being the depôt for the others, all of which information I gave you in my letter of the 27th ultimo; there was not sufficient evidence to capture her, I then boarded the third dhow, a gunga, and also found her in such a suspicious state that I ordered Lieutenant Snowden to take charge of her with pinnace and second cutter, I taking charge of the bugala, made sail on both dhows and proceeded to rejoin you (the ship being in sight), so that you might deal with them as you thought most proper.

I have the honour to add that by the steps you have taken this nest of slave-dhows have been effectually destroyed.

I have, &c.
(Signed) T. W. SIMEON.

No. 92:

Commodore Hillyar to the Secretary to the Admiralty.

Sir,

"Octavia," at Trincomalee, July 10, 1866.

I HAVE the honour to forward herewith, for their Lordships' information, copies of Reports on the Slave Trade from Her Majesty's ships "Wasp," "Lyra," and "Penguin," as required by the Slave Trade Instructions.

2. Their Lordships will be gratified to know that the several vessels have been very successful on the cruising-ground I assigned to them in the suppression of the Slave Trade, and have given a great blow to this nefarious Traffic, the following captures having been made during the last few months:—

"Wasp," 8 dhows, 41 slaves; "Pantaloons," 6 dhows, 212 slaves; "Lyra," 1 dhow, 127 slaves; and "Penguin," 3 dhows, 28 slaves.

I have, &c.
(Signed) C. F. HILLYAR.

P.S.—I also forward a copy of a letter from Captain Bedingfeld, reporting three slaves having been delivered over to him at Socotra, for their Lordships' information.

C. F. H.

Inclosure 1 in No. 92.

Captain Bedingfeld to Commodore Hillyar.

Sir,

"Wasp," at Sea, June 25, 1866.

THE following remarks upon the Slave Trade north of Zanzibar must be taken for what they are worth, my short experience of senior officer hardly enabling me to obtain much information.

The "Wasp" arrived at Zanzibar on the 17th of April 1866, and we were fortunate in obtaining at once the services of an interpreter, whose great experience, sound common sense, and tact in procuring information I found invaluable, and, in spite of all that may be said to the contrary, I believe him as trustworthy and honest to his employers as it is possible for a Zanzibar Arab to be.

The following is a list of dhows captured by the "Wasp," and her boats between the 21st of April and 21st of May, 1866. Soon after which I received intelligence of my orders having been sent for Trincomalee.

List of Dhows.

On the 21st of April, of Zanzibar, a Bedani dhow with 27 slaves, part having been landed before we could come up with her. She probably had about 60 in all.

On the 23rd of April a small trading dhow, smuggling some 9 slaves for the Barracoons at Pemba.

Also on the 23rd, by the boats in Port George, a Bedani dhow ready for embarking slaves.

On the 24th, at Toombey North and of Pemba, a Battela dhow, fitted for about 200 slaves; they were landed before the boats could come up with her.

Also on the 24th at Cape Hay, by the boats, a laronga fitted for about 300 slaves.

On the 1st of May, two large northern dhows from Toombey, seen landing their slaves before the boats could get to them; on this occasion three large barracoons were destroyed on the island, the slaves having escaped.

On the 21st of May, Gallonsier Bay, Island of Socotra, a Bùgala dhow. She landed 5 of her slaves, 3 of which were recovered, and 2 others were found on board. She was bound for Muscat with poles for building houses, and had taken these 7 slaves on the top of them.

In addition to these, and at the same time, 3 were captured by Her Majesty ship "Penguin," 1 and probably more by Her Majesty's ship "Vigilant," and 6 by Her Majesty's ship "Pantaloon." So that we may conclude, I trust, a severe check has been administered to the Northern Slave Trade, for this season at any rate.

2. Zanzibar appears to be the great centre of the foreign Slave Trade. Numbers of slaves are smuggled over to this island and Pemba at all times, but after the 1st of May commences what is called the domestic Slave Trade, when permission is given to bring over large cargoes from the mainland, and which cannot be captured by the men-of-war when they have the proper pass from the Sultan's officers. This is the time when whole districts are depopulated to supply the northern slave market in the Sultan's possessions, as well as for what are called domestic slaves. The description of the way these unfortunates are caught is well known. Villages in the interior are surrounded by the slave catchers before daylight, and surprised. The old and very young are killed out of the way, and all the others carried off to market. For other cases the fear of the kidnapper prowling about the villages prevents the wretched inhabitants from venturing out to till their farms; then comes a famine, and thousands are starved to death. Every African traveller who has visited the parts of the country where slavery is carried on, can speak to the number of skeletons, seen under nearly every bush, of unfortunates who have perished in this way.

3. Slaves are shipped in the harbour of Zanzibar at all times, even when men-of-war are lying there, and, of course, with the knowledge of the authorities; it is simply a matter of dollars if you get information or not; if the slave dealers are liberal you will hear nothing of it, but if on the other hand, the prize money and the dollars you offer prove the greater temptation, you will get all the information you want.

The Consul's own interpreter declared to me a dhow had not taken in her slaves, and would not sail for some days, when he must have known perfectly well she had not only shipped her slaves, but had made off, and I captured her the following morning; she succeeded, however, in landing half her slaves on the Island of Zanzibar before I could board her. As a standing rule not an Arab of Zanzibar is to be trusted.

4. The Island of Pemba seems the great resting place of the northern dhows, as soon as they have parted with the little merchandize they bring from Muscat. They quit Zanzibar with part of their crew and rendezvous in the different creeks of Pemba, where they have erected barracoons; they then wait till the scoundrels they have left behind at Zanzibar succeed in buying or kidnapping slaves enough to make up a cargo; these are brought over by twos and threes in the trading boats, secured in the barracoons until ready for a start, and this commences quite early in April before the monsoon has set in.

They start North as soon as the cargo is complete, keeping close in shore, trusting to the land and sea breezes to get North, and, in the event of being chased, run their vessels on shore, preferring to drown all their slaves rather than they should fall into our hands; if on the Somali coast, they are invariably robbed and ill-treated by the natives, but this does not seem to deter them. During our cruize at Pemba we destroyed six dhows, and burnt three large barracoons; five of the dhows were unusually large, fully armed with crews of from twenty-seven to thirty men; they were also provided with nautical instruments, which I believe is quite unusual, and rather indicated that they intended to keep off the land to avoid the cruizers.

The navigation in the Pemba Channel, and to the northward of the island, requires the greatest care from the want of anchorage, the uncertainty of the direction, and the strength of the current; a running survey only having been taken some forty years ago, the charts are not of great use.

5. I believe few dhows water inside Ras Haffoon now. There is a good anchorage for the ship, but as numbers of trading dhows, principally laden with corn, are constantly passing, the chasing and boarding is incessant, fires having to be kept banked for steam to get back to the anchorage. I believe Ras Mabber is now the final place for watering. Before leaving the Coast of Africa the "Penguin" captured one of her prizes there in May.

6. The northern dhows bound for Muscat have been in the habit of watering here, and about seven called in

the end of April and quite the beginning of May. After the commencement of June no dhow, I think, would venture in such a sea as frequently occurs with the ebb tide.

The natives are very friendly, miserably poor, and willing to exchange their skinny goats for rice or clothing.

Any of the anchorages would be unsafe by the middle of June, and care should be taken not to go too near the western end of the island, as we saw on one occasion breakers and apparently a rock considerably further out than any laid down in the chart.

7. From all the information I could obtain here I fancy very few slave-dhows call for water; probably three or four during the year, and those at Gollonsier Bay. The natives are as friendly as at Abd-el-Koory; the goats and sheep are better, and there is a good supply of fish; dates ripen about the middle of June in abundance; and the anchorage good for about the same time. When we passed to leeward of the island on the 23rd June the squalls were furious, a tide running dead against the wind of at least five knots, raising such a commotion as I never wish to see again; and the sea at either end of the island tried Her Majesty's ship "Wasp" considerably, although without exception the finest sea boat I was ever on board of. I believe Socotra to be about the centre of the strongest part of the monsoon.

8. In conclusion, leaving the division before I received the reports of the other cruisers, I have a little more than a month's experience to go upon. The senior officer's box contains little that is of use to a new comer; no journal or remarks seem to have been made since Captain Gardner of the "Orestes" left. Captain Oldfield's remarks, though valuable, were made long ago, and probably many changes have taken place in the system and plans of the slave-dealers.

It is with considerable satisfaction I can report so much having been done in so short a time; and when the reports of Her Majesty's ships "Pantaloony," "Penguin," and "Vigilant" reach you, I trust you will find that a very heavy blow has been dealt to the northern slave-dealers for this season, and that my proceedings while in charge of the division will meet with your approval.

I have, &c.
(Signed) NORMAN B. BEDINGFELD.

Inclosure 2 in No. 92.

Commander Parr to Commodore Hillyar.

Sir,

"Lyra," Trincomalee, June 30, 1866.

IN accordance with the instructions laid down at page 16, Art. 6, directing me to give any information I can with reference to the Slave Trade, I have the honour to report that, owing to Her Majesty's ship under my command having been employed during the greater portion of the last six months at Aden, I have not had any opportunity of gaining any information of importance.

2. By letters received at Aden from Zanzibar, and from information received from Lieutenant Garforth of Her Majesty's ship "Penguin," there seems to be no cessation in the Slave Trade on the coast, large numbers being shipped from Quiloa, Zanzibar, and other ports in that vicinity for conveyance to the Red Sea and the Persian Gulf.

3. I have reason to believe that the greater number of the slaves in the northern dhow which I captured on the 8th of May off Socotra Island had been stolen from Zanzibar, it being the custom of the Northern Arabs to visit Zanzibar for that purpose, and being well known that they succeed in kidnapping a large number annually.

I have, &c.
(Signed) R. A. PARR.

Inclosure 3 in No. 92.

Report by Lieutenant Garforth on Slave Trade.

"Penguin," at Trincomalee, June 30, 1866.

IN pursuance of instructions contained in the book for the suppression of the Slave Trade I have the honour to make the following remarks:—

During the cruise of Her Majesty's ship under my command this year on the north-eastern Coast of Africa I boarded fifty-six dhows, three of which were slavers; the remainder, with few exceptions, were bound to Maculla with grain. The master of one dhow informed me that as there had been a famine this year, corn paid as well as slaves. It is my opinion that in the early part of the season, which is the beginning of March, the great object of the Arabs is to get the slaves away from Zanzibar as soon as possible, although the prevailing winds at that season of the year will not admit of their getting further north than Wasseen, or at the most Braoa. A great number of the slaves taken by the Northern Arabs from Zanzibar are stolen, so great secrecy is required in getting them clear of the island.

One or two well-known houses in the northern part of the island, hired most probably for a large sum of money, are used by the Arabs for collecting the slaves. When a sufficient number are got together, they are put into small dhows, always at night, and are able by keeping close in-shore to work up to Wasseen, which, I believe, is a great depôt for slaves at that season of the year, waiting until the south-west monsoon has set in in the beginning of May; they are then put into large dhows for the passage to Arabia. I can recommend Ras Mabbet to be a good place for a vessel to remain for a few days for the purpose of boarding dhows, nearly all having to put in there for water. I found it to be a good anchorage, perfectly sheltered from the south-west winds, and by anchoring near the Cape a vessel is out of sight of dhows coming from the southward. Sheep and water are plentiful, and the inhabitants we found very friendly.

During my last cruise I have always found the masters of dhows perfectly willing to have their vessels searched; those carrying slaves will, if possible, run their vessels on the rocks, with almost certain destruction to their vessels and those on board, sooner than fall into the hands of a white man.

(Signed) E. GARFORTH.

Inclosure 4 in No. 92.

Captain Bedingfeld to Commodore Hillyar, May 25, 1866.

[See No. 90.]

No. 93.

Rear-Admiral Cockburn to the Secretary to the Admiralty.

Sir, 22, *Arundel Street, London, August 17, 1866.*

I HAVE the honour to answer your letter of the 12th May, respecting a doubtful paragraph in my letter on the subject of the Slave Trade.

I have to inform you that I meant the Government of Madagascar had issued a severe Proclamation against the "import" of slaves.

I have no reason to believe that there is any export of slaves from this island.

I have, &c.

(Signed) J. H. COCKBURN.

No. 94.

Captain Pasley to the Secretary to the Admiralty.

Sir, "*Highflyer*," at *Seychelles, August 8, 1866.*

I HAVE the honour to report the capture of a slave dhow off the north-west coast of Zanzibar, on the morning of the 28th July, by the launch of Her Majesty's ship "*Highflyer*."

2. Having received information that this vessel was going to ship her slaves at Kokotoni on the evening of the 28th, I sent the launch in charge of Lieutenant J. Fellowes on the 27th to await off that harbour. He chased and seized the dhow about five miles from the coast, and as she had no papers or colours, no master, a slave-deck and cooking utensils on board, slave food, a large tank and water-puncheons, and many of the crew being away with the boat, besides seven slaves on board, Lieutenant Fellowes detained her, and reported the circumstance to me.

3. On my arrival at Kokotoni in the "*Highflyer*," I had no doubt of her being engaged in the Slave Trade, and as she was seized outside the waters of His Highness the Sultan of Zanzibar, I ordered her to be destroyed.

I have, &c.

(Signed) J. SABINE PASLEY.

No. 95.

Captain Pasley to Commodore Hillyar.

Sir, "*Highflyer*," off *Port Durnford, August 27, 1866.*

I HAVE the honour to inform you that, as I was cruising off Port Durnford for the suppression of the Slave Trade, I observed a dhow running to the northward. As I was between her and the land, I soon overhauled her, and found she had left Zanzibar a few hours after the "*Highflyer*" did, with 152 slaves for the coast of Arabia. She carried Arab colours, and had no papers on board. The crew were some Soori, and some Makulla Arabs.

The dhow not being in a fit condition to make a passage to a port of adjudication, I had her measured and destroyed.

I have, &c.

(Signed) J. SABINE PASLEY.

No. 96.

Captain Pasley to Commodore Hillyar.

Sir, "*Highflyer*," at *Aden, September 10, 1866.*

I HAVE the honour to inform you that I left Seychelles on the 14th ultimo, and arrived at Zanzibar on the 20th.

The "*Lyra*" left Seychelles on the 13th ultimo for Johanna and the Mozambique Channel.

CLASS A.

Having gained information from Dr. Seward, Her Majesty's Acting Consul and Political Agent at Zanzibar, and my interpreter, that a number of Northern Arab dhows lying in the harbour were waiting for the monsoon to slacken to carry cargoes of slaves to Arabia, I left Zanzibar on the 24th, and cruized up the coast of the northward of Pemba.

On the 27th of August, when trying to make out the entrance to Port Durnford, I captured and destroyed an Arab dhow, with 152 slaves on board.

On the 30th of August I anchored off Brava, when I landed the slave crews, and made inquiries of the Sheik regarding the Englishmen who are supposed to be prisoners among the Somalies. He was friendly, and said he had heard of one man employed some seven or eight days' journey inland, and on my telling him that the Governor of Mauritius had offered a reward for every Englishman given up, he promised to send, and if possible get him down to Brava. I told him I should return from Aden shortly, and promised him 100*l.* reward for every Englishman or white prisoner he could produce.

On the 1st September I anchored off Magadoxa, and sent the Interpreter to make the same inquiries as I had at Brava, but the natives were very unfriendly, the bushmen, or country people wanting to kill the Interpreter, who was only saved by some town men, who are a little civilized by their intercourse with Zanzibar. This took place within twenty yards of the cutters, who were armed and at anchor close outside the surf. There were several dhows in the harbour, but all honest traders.

On the 15th instant I anchored off Ras Mabber. We could get no information from the natives, who seemed wretchedly poor, and much inferior to those about the Equator. They are all Somalis.

While at this place one of the slaves on board was attacked with small-pox, and as I was afraid of its spreading, I left Ras Mabber on the 7th, and arrived here to-day.

I shall leave Aden for Guardafui as soon as I have landed the slaves, and completed coal, and shall probably return here in about a month's time.

I have, &c.

(Signed) J. SABINE PASLEY.

No. 97.

Commodore Hillyar to the Secretary to the Admiralty.

Sir,

"Octavia," Trincomalee, October 12, 1866.

WITH reference to your letter of the 25th January, of the 29th of March, and of the 19th May last, I have the honour to transmit herewith an extract of a letter from Captain Pasley, Her Majesty's ship "Highflyer," as also a copy of a letter from Commander Parr, Her Majesty's ship "Lyra," by which their Lordships will see that all despatches from the Foreign Office for the Sultan of Johanna have been duly delivered, and that their Lordships' instructions have been fully carried out.

I have, &c.

(Signed) CHARLES P. HILLYAR.

Inclosure 1 in No. 97.

Captain Pasley to Commodore Hillyar.

(Extract.)

"Highflyer," July 27, 1866.

AFTER communicating with Mr. Sunley, late English Consul at Pomony, I had an interview with the Sultan of Johanna, and gave him a copy of a letter from the Foreign Office, dated 24th January, 1866, and explained to him the serious consequences that might result in the event of his disregarding his Treaty with the English Government, for the suppression of the Slave Trade.

Inclosure 2 in No. 97.

Commander Parr to Commodore Hillyar.

Sir,

"Lyra," Pomoney, August 24, 1866.

WITH reference to clause No. 2, of your orders to me of the 7th July, 1866, directing me to deliver in person, a despatch to His Highness the Sultan of Johanna, I have the honour to inform you that on arrival at Pomony on the 20th instant, I ascertained that the Sultan was engaged on some important business on the other

side of the island, some distance from both Pomony and the town of Johanna. I immediately communicated with His Highness through Mr. Sunley, late Her Majesty's Consul. And in reply to my letter he stated that it was impossible to leave the place where he was staying, and that he would send one of his chief Ministers of State to see me, and receive the despatch. I accordingly saw this Minister in the presence of Lieutenant Best and Mr. Sunley, and delivered this letter to him, he being provided with a letter from the Sultan authorizing him to act in the matter.

I have, &c.
(Signed) ROBERT A. PARR.

No. 98.

Commodore Hillyar to the Secretary to the Admiralty.

Sir, *"Octavia," at Trincomalee, October 8, 1866.*
AGREEABLY to your letter of the 17th April last, directing me to report fully on the subject "that there are many objections to sending any more captured negroes to the Seychelles Islands," I have the honour to acquaint you, for their Lordships' information, that I directed Captain Pasley, Senior Officer on the East Coast of Africa, and at the same time desired Mr. Ward, the Political Resident at Mahi, to furnish me with detailed reports on the subject (copies of which I beg to inclose) by which it appears to me that occasional cargoes of captured negroes might be landed at the Seychelles Islands with advantage, instead of sending them to Aden for condemnation.

I have, &c.
(Signed) CHAS. P. HILLYAR.

Inclosure 1 in No. 98.

Captain Pasley to Commodore Hillyar.

Sir, *"Highflyer," at Zanzibar, August 21, 1866.*
WITH reference to your letter dated 23rd May, 1866, desiring me to make a full report on the objection there might be to sending any more captured negroes to the Seychelles Islands, I have the honour to inform you:—

1. The only objection I can discover to slaves being landed at Seychelles, is the same that arrives in every colony where slaves or convict labour is used, that is to say, when the freed slaves become too numerous and independent to work. At present there is I think, one African to every seven natives of the island, which I do not consider a very large proportion.

2. I have consulted all the principal residents in the Island of Mahi, both French and English, and it appears to me that they have no objection to slaves being landed on the island, as they are immediately transhipped to Mauritius, where I understand they are welcome.

I forward you a copy of a letter I received from Mr. Ward, Civil Commissioner, on the the subject.

3. In my opinion and in that of almost all the residents at Seychelles, it would be a severe blow to the prosperity of those islands were the occasional visits of ships of war carrying slaves there to cease. In such a small colony the amount of money drawn from men-of-war visiting the island, is a matter of considerable importance.

4. So far from considering it advisable to prohibit men-of-war from carrying their captured Africans to the Seychelles, I should consider it a very great advantage to the island and the squadron on the east coast of Africa if a Prize Court were established at Mahé, in which case many long cruizes to Aden and the Mauritius might be avoided, and should Mahé be chosen as a naval depôt, it would be another great advantage to the squadron.

I have, &c.
(Signed) J. SABINE PASLEY.

Inclosure 2 in No. 98.

The Civil Commissioner to Captain Pasley.

Sir, *Government House, Seychelles, August 11, 1866.*
IN compliance with your request that I should give you for the information of Commodore Hillyar, my reason for thinking that it would not be advisable to introduce any more liberated Africans into the Seychelles, I have now the honour to offer the following remarks on the subject.

2. The objections raised by me were purely political ones, based upon the state of the islands and the number of Africans already introduced. These objections need in no way affect the movements of the ships composing the East African squadron, should any of them having captured slaves find it convenient to bring them here.

3. In my annual report for 1865, I recommended that no more slaves should be brought to the Seychelles, as the shortest mode of disposing of the difficulty without taking into consideration the inconvenience it might cause to the squadron. Since then I have seen more clearly the great inconvenience that would arise were liberated Africans not landed here, and for the past year arrangements have been entered into for forwarding all those brought by vessels of war on to Mauritius. I am not aware whether the Government of Mauritius has made any objection to receiving them; but as matters stand at present, I am prepared to accept all the Africans brought here; and to act respecting them as far as vessels of war are concerned, in the same manner as has been hitherto the case.

4. When once liberated slaves have been landed and a receipt obtained for them, all responsibility and liability ceases on the part of the vessels of war which brought them; and under these circumstances it will be necessary to trouble you with all the political reasons I have for relieving the islands of their presence.

I have, &c.
(Signed) SWINBURN WARD.

No. 99.

Captain Pasley to Commodore Hillyar.

Sir,

"Highflyer," Seychelles, August 8, 1866.

I HAVE the honour to report the capture of a slave dhow off the north-west coast of Zanzibar on the morning of the 28th July by the launch of Her Majesty's ship "Highflyer."

Having received information that this vessel was going to ship her slaves at Kokotoni on the evening of the 28th, I sent the launch, under charge of Lieutenant Fellowes, on the 27th to wait off that harbour. He chased and seized the dhow about five miles from the coast; and as she had no papers or colours, no master, a slave-deck, and cooking utensils on board, slave food, a large tank and water-puncheons, and many of the crew being away with the boat, besides seven slaves on board, Lieutenant Fellowes detained her, and reported the circumstances to me.

On my arrival at Kokotoni in the "Highflyer," I had no doubt of her being engaged in illegal Traffic in Slaves; and as she was seized outside the water of His Highness the Sultan of Zanzibar I ordered her to be destroyed.

I have, &c.
(Signed) J. SABINE PASLEY.

Inclosure 1 in No. 99.

Lieutenant Fellowes to Captain Pasley.

Sir,

"Highflyer," Zanzibar, July 28, 1866.

I HAVE the honour to inform you that I seized the dhow for the following reasons, viz. :—

1. Fully equipped for the Slave Trade, having a deck laid in the usual manner of slave dhows, also having besides a large tank, a puncheon, a cask and ten skins, each skin capable of containing from 8 to 12 gallons, with the cooking utensils, slave food &c., in her.

2. Having six slaves on board.

3. No pass nor papers or colors.

4. No one would come forward as captain of the dhow nor could anyone give an account of the reason of their voyage.

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

Inclosure 2 in No. 99.

Lieutenant Fellowes to Captain Pasley.

Sir,

"Highflyer," Zanzibar, July 29, 1866.

I HAVE the honour to inform you that in compliance with your orders, I proceeded with the launch and dingy to watch the Port of Kokotoni and anchored between Tumbat and Moorria Islands at sunset; at 4.30 on the 28th, I observed a dhow running past Moorria Island and immediately chased her.

She ran on about 2½ miles and then hove-to, evidently not seeing the boats as we were under the land, for on our nearing her again filled. After an hour's chase we boarded her and found her to be in all respects fitted for the Slave Trade and had six slaves on board.

Leaving Mr. Drake and nine men in charge, I proceeded to Zanzibar and arrived here this morning.

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

No. 100.

Commodore Hillyar to the Secretary to the Admiralty.

Sir,

"Octavia," at Trincomalee, November 10, 1866.

I HAVE the honour to inclose herewith, for their Lordships' information, a copy of a letter from Captain Pasley, Her Majesty's ship "Highflyer," dated Aden, October 10, detailing proceedings, together with seven letters, reporting the capture of seven slave

dhow and 392 slaves, and I beg you will inform their Lordships that I have expressed to Captain Pasley my entire approval of his proceedings.

2. I have further the honour to bring to their Lordships' favourable notice the able disposition Lieutenant Long made of his men, under the protection of the guns of Her Majesty's ship "Highflyer," in recovering 117 slaves after they had landed, without any loss, as shown in paragraph 4 of Captain Pasley's letter.

I have, &c.
(Signed) CHARLES F. HILLYAR.

Inclosure 1 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir, "Highflyer," Aden, October 12, 1866.
I HAVE the honour to inform you that I left Aden on the 12th September, and passed Cape Guardafui on the 14th. I found the monsoon blowing very hard between that Cape and Socotra, so I anchored under the lee of the Cape on the 18th, from whence I boarded every vessel that passed.

2. On the 22nd I destroyed a dhow that had heard of our being at Guardafui and had run on shore, a few miles to the southward; the Somalies told me she had landed 196 slaves.

3. On the 29th, while I was examining a dhow, I saw another making for the land; we could not reach her before the slaves were landed, but by firing over them as they were going up the cliffs we brought them to a standstill, and Lieutenant S. Long, with both cutters, having landed, succeeded in bring off 117 slaves, and destroying the dhow.

4. In this operation Mr. Long showed great judgment in the disposition of his men, as he not only had the Arab crew to contend with, who fired at them from above, but numbers of Somalies all armed had assembled, and would no doubt have opposed our embarking the slaves had he shown any signs of weakness. I believe this is the first instance on this station of a cargo of slaves being recovered after they had been landed.

5. We continued cruizing about the Cape until the 9th instant, capturing several dhows, and destroying one which ran on shore, and landed her slaves before we could get within range, when having a case of small-pox among the slaves, I returned to Aden, where I arrived this morning having 392 slaves, 2 having died on the passage.

6. The number of dhows captured was seven, two destroyed on the beach empty, three full with 117, 118, and 150 slaves; one cargo dhow with 6, and one with 3 slaves in.

7. After refitting I shall proceed to the southward to meet the "Lyra."

I have, &c.
(Signed) J. M. S. PASLEY.

Inclosure 2 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir, "Highflyer," at Ras Asir, September 22, 1866.
I HAVE the honour to inform you that having received information that a dhow was landing her slaves a few miles south of Ras Asir, I steamed round the Cape to-day and found the dhow on shore, and broadside on to the surf. On boarding her she was found to be deserted, having evidently just landed a large cargo of slaves.

2. She had the usual slave decks to carry about 200 slaves, and had two large tanks, and two large water-casks.

3. This dhow was bilged and her keel timbers broken, so I caused her to be measured and destroyed.

4. She had no flag or papers on board, but she was the build of the Socri Arabs.

I have, &c.
(Signed) J. M. S. PASLEY.

Inclosure 3 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir, "Highflyer," at Cape Guardafui, September 29, 1866.
I HAVE the honour to inform you that while at anchor under Ras Hafoon yesterday, I observed an Arab dhow, which proved to be from Zanzibar to Maculla, having called in at Brava for a cargo of cotton and grain. She had 6 slaves on board, and I determined to take her to Aden for adjudication. After towing her here, however, I found her so leaky and unseaworthy I was obliged to destroy her.

I have, &c.
(Signed) J. M. S. PASLEY.

Inclosure 4 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir, "Highflyer," at Cape Guardafui, September 29, 1866.
I HAVE the honour to inform you that this morning I chased a dhow, which with the assistance of a light breeze ran on the beach about ten miles west of Cape Guardafui, and landed her slaves. After firing a few shots over them, the slaves returned but the crew escaped. She was a Yeman dhow from Zanzibar to Maculla of 45 tons, and we recovered 117 slaves.

I have, &c.
(Signed) J. M. S. PASLEY.

Inclosure 5 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir,

"Highflyer," at Cape Guardafui, September 30, 1866.

I HAVE the honour to inform you that this morning seeing a dhow located off the Cape I sent the boats to examine her, and she proved to be an Arab dhow of 89 tons from Zanzibar to Maculla, with 150 slaves on board. As she was unfit to make the passage to Aden I destroyed her.

I have, &c.
(Signed) J. M. S. PASLEY.

Inclosure 6 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir,

"Highflyer," at Cape Guardafui, October 3, 1866.

I HAVE the honour to inform you that this morning seeing a dhow had run passed the Cape in the night, I chased her and found her to be an Arab dhow of 51 tons, with 118 slaves on board from Zanzibar to Maculla. As she was unseaworthy she was destroyed.

I have, &c.
(Signed) J. M. S. PASLEY.

Inclosure 7 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir,

"Highflyer," at Cape Guardafui, October 5, 1866.

I HAVE the honour to inform you that this morning as several dhows were rounding the Cape I detained the dhow "Osharan Gomaney" from Mornbaza to Maculla, as she had 2 slaves on board, and her papers showed that these were to be sold at Maculla. She being nearly a new dhow I shall take her to Aden for adjudication.

I have, &c.
(Signed) J. M. S. PASLEY.

Inclosure 8 in No. 100.

Captain Pasley to Commodore Hillyar.

Sir,

"Highflyer," at Cape Guardafui, October 5, 1866.

I HAVE the honour to inform you that while examining some dhows passing the Cape I observed a sail to windward alter her course and steer in for the land. I chased her, but she succeeded in running to the beach, and landing her slaves before I could get within gunshot. She was a large Bedan dhow of 88½ tons, and had a cargo of grain and about 50 slaves, as far as I could judge. She was measured and destroyed.

I have, &c.
(Signed) J. M. S. PASLEY.

ST. HELENA.

No. 101.

RETURN of Vessels Captured on suspicion of being engaged in the Slave Trade, and adjudicated in the Vice-Admiralty Court of St. Helena, from July 1 to December 31, 1865, inclusive.

Name of Vessel.	Class.	Flag.	Name of Master.	Date of Seizure.	Where Captured.	Property Seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Died before adjudication.	Emancipated.	Tonnage.		Decretal part of Sentence, whether Forfeiture or Restitution.	Statute under which Sentence was passed, or Prosecution instituted.	Whether the Property condemned has been or is to be sold, and whether any part remains unsold, and in whose hands the proceeds remain.
												Foreign according to Tappers.	New measurement.			
Unknown ...	Brigantine.	None	Sebastiao da Silva Marthia	1865 Oct. 6	Off Cape Decit, on the West Coast of Africa.	Vessel and stores	Commander Grubbe, Her Majesty's steam gun-vessel "Jasour," Commander Nelson, Her Majesty's steam gun-vessel "Ranger."	1865 Nov. 2	...	...	...	...	Tons. 174.28	Forfeiture	2 & 3 Vict. cap. 73	Vessel broken up and demolished; materials and stores sold by public auction; net proceeds paid into the Treasury chest.

(Signed) JNO. N. FIRMIN, Registrar.

CAPE OF GOOD HOPE STATION.

No. 102.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 28.)

Sir, *Admiralty, December 26, 1866.*
I AM commanded by my Lords Commissioners of the Admiralty to acquaint you for the information of Lord Stanley, that Commodore Caldwell, the Senior Officer of Her Majesty's ships at the Cape of Good Hope, in a letter dated the 18th ultimo, states that he has no reason to believe that any slave expeditions are being fitted out within the limits of the station under his command.

I have, &c.
(Signed) W. G. ROMAINE.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

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