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1.

P A P E R S

RELATING TO THE SUPPRESSION OF THE

SLAVE TRADE:

VIZ:

Return to an Address from the Honourable the House of Commons to His Majesty,
dated 6th February 1821;—*for*

Copies or Extracts of all Communications received at the
Colonial Office from Sir CHARLES MAC CARTHY, Govern-
nor of *Sierra Leone*, since the 1st of January 1819, on
the subject of the SLAVE TRADE.

Ordered, by The House of Commons, to be Printed,
30 March 1821.

LIST OF PAPERS

Presented to the Honourable House of Commons, in pursuance of their Address
to His Majesty.

- No. 1.—Extract of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G.,
dated Sierra Leone, 25th February 1819:—One Enclosure - - - p. 3
- No. 2.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G., dated
Sierra Leone, 22d June 1819 - - - - - ibid.
- No. 3.—Extract of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G.,
dated Sierra Leone, the 24th August 1819:—One Enclosure - - - p. 4
- No. 4.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G., dated
Sierra Leone, the 6th September 1819 - - - - - p. 5
- No. 5.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G., dated
Sierra Leone, 17th February 1820:—Six Enclosures - - - - - ibid.
- No. 6.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G., dated
Sierra Leone, 6th March 1820 - - - - - p. 8
- No. 7.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G., dated
Sierra Leone, the 8th March 1820:—One Enclosure - - - - - p. 9
- No. 8.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G., dated
Sierra Leone, 27th May 1820:—Ten Enclosures - - - - - ibid.
- No. 9.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, K. G., dated
Sierra Leone, 13th June 1820:—Nineteen Enclosures - - - - - p. 16

Colonial Department, }
30th March 1821. }

HENRY GOULBURN.

COMMUNICATIONS

From the Governor of *Sierra Leone*, relating to the Suppression of the Slave Trade.

No. 1.—Extract of a Letter from Governor Mac Carthy to the Earl Bathurst; dated *Sierra Leone*, 25th February 1819.

I HAVE the honour to report to your Lordship that captain Hunn of the royal navy, commanding *H. M. S. Redwing*, having fallen in with a French schooner the *Sylph*, near Cape de Verde Islands, deemed himself authorized to detain her and to bring her here for trial. I herewith enclose copy of his letter to me, and beg leave to acquaint you, that under the peculiar circumstances of the case I deemed it my duty to comply with captain Hunn's application; the unfortunate beings were accordingly landed; and placed in the captured towns in the interior of the colony. Captain Hunn sailed for Saint Helena on the 14th instant.

I cannot but add, that it is highly expedient to the welfare of Africa that something should be done soon, for the traffic in slaves is increasing. Sir George Collier returned here on the 18th instant, from the Island of Ascension, after a passage of ten days only; he intends to resume his cruize in a few days; but the want of an established court cramps all exertions in that great cause; and in defiance of the law of this country the traffic in slaves is carried on under all colours but those of Great Britain.

(Enclosure.)

His Majesty's sloop *Redwing*, *Sierra Leone*, 10th February 1819.

Sir,

I HAVE the honour to acquaint your Excellency that, whilst proceeding in the execution of orders from my Lords Commissioners of the Admiralty, on the 8th instant, being then in latitude 7. 56. N. and longitude 16. 30. W. I fell in with the French schooner *Sylph*, being fifty-one days from Bonny, with a cargo of three hundred and eighty-eight slaves bound to Guadaloupe, twenty of whom have died on the passage.

I have, from the decisions of the congress lately assembled at Aix-la-Chapelle, captured the above schooner, and brought her to this anchorage in preference to the Cape of Good Hope, the more speedily to set these unfortunate victims of unfeeling and brutal avarice at liberty, to effect which, and the speedy proceeding of His Majesty's sloop under my command, I have to request your Excellency will be pleased to direct their immediate removal.

I have the honour to be, &c.

(Signed) *Fred^l. Hunn*, Commander.

His Excellency Governor Mac Carthy,
&c. &c. &c.

No. 2.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, dated *Sierra Leone*, 22d June 1819.

My Lord,

I HAD the honour of receiving, on the 16th instant, your letter of the 16th of April, transmitting copies of the Acts of the 58th of the King, and treaties with Spain and Portugal; and I have to inform your Lordship of the arrival in this harbour, on the 7th instant, of Messrs. Thomas Gregory, his nephew, and two Spanish commissioners,

Messrs.

Communications
received at the
Colonial Office,
from the Gov. of
Sierra Leone.

Messrs. Francisco Lefer and Joseph Campo. These gentlemen having communicated to me their Instructions on the 8th, they were duly sworn into office on the 9th; and I humbly trust that I anticipated, by the marks of consideration I paid to their public characters, and also to them individually, the receipt of your Instructions.

It afforded me very great satisfaction to intimate to chief justice Fitzgerald, and to King's advocate Hamilton, the very flattering manner in which your Lordship has been pleased to mention their respective appointments; and I am most fully confident that they will continue to prove themselves deserving of His Royal Highness the Prince Regent's confidence.

No time was lost in securing as convenient a building as the colony could afford for an office to the Commission, although I regret to state, it could not be obtained but at the rate of 300*l.* per annum. I shall duly transmit, by an early opportunity, a plan and estimate for such a residence as I conceive would be necessary for the Commission.

I have the honour to be, &c.

(Signed)

C. Mac Carthy.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 3.—Extract of a Letter from Governor Mac Carthy, to the Earl Bathurst; dated Sierra Leone, 24th August 1819.

I HAVE the honour to inform your Lordship, that captain Kelly, commanding H. M. S. Pheasant, returned here on the 17th instant, and a Portuguese schooner of eleven tons, taken in the Bight of Biaffa, the property of Don Joza Ferrara Gomez, governor of the Portuguese Island of Princes. When the schooner was taken she had seventy-one slaves on board; and owing to the extreme care and attention of the captain and officers of the Pheasant, only lost one on her passage. I enclose herewith an extract of the declaration of captain Kelly, as to the state in which he found the schooner. As the Portuguese commissioners have not yet arrived, we had it not in our power to adopt any other measures, but to take the usual depositions, and land the unfortunate Africans. I have sent the whole of them to the Negro Town of Bathurst. Captain Strong, commanding the Morgiana, arrived the 10th with a schooner of fifty tons, under Spanish colours, taken near Little Bassa, having only one slave on board. The master was on shore, and refused coming here. One or two days before a large schooner, in attempting to get inside of a ledge of rocks near Grand Bassa, to avoid being taken by the Morgiana, got into the surf and was lost. Captain Strong saw the masts washed over-board, and many unfortunate slaves running to the woods; there is every reason to believe that many must have lost their lives in the hold, where they are generally kept in irons. The schooner showed no colours; but from the circumstance of the officer who was sent with boats to attempt to intercept some canoes loaded with slaves, prior to the loss of the schooner, hearing distinctly the master of her giving the word, fire, which was actually carried into effect, on the boats of the Morgiana, without any loss however, there is reason to believe that she was either an American, or English. Captain Strong, whose cruize did not extend farther than Accra, met eight slave-vessels ready to trade, but as they had no slaves on board he did not interrupt them.

Extract from a declaration of B. M. Kelly, Esq. commanding H. M. Sloop, Pheasant.

I do further declare, that the state in which these unfortunate creatures were found is shocking to every principle of humanity; seventeen men shackled together in pairs by the legs, and twenty boys were on the ashes in the main hold, a space measuring eighteen feet in length, seven feet eight inches main breadth, and one foot eight inches in height, and under them the yams for their support. One of these unfortunate creatures was in the last stage of dysentery, whose natural evacuations ran involuntarily from him amongst those yams, creating an effluvia too shocking for description. On their being released from irons, their appearance was most distressing, scarcely any of them could stand on their legs from cramp and evident starvation

SUPPRESSION OF THE SLAVE TRADE.

5

starvation, The space allowed for the females, thirty-four in number, was even more contracted than that for the men, measuring only nine feet four inches in length, four feet eight inches main breadth, and two feet seven inches in height; but not being confined in irons, and perhaps allowed during the day to come on deck, they did not present so distressing an appearance as the former.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

No. 4.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, dated Sierra Leone, 6th of September 1819.

My Lord,

I HAD the honour of receiving, on the 4th instant, by His Majesty's gun-brig Snapper, your Lordship's letter of the 29th of July, signifying to me the commands of His Royal Highness The Prince Regent, that I should take immediate steps for conveying the French schooner Sylph, if within the limits of my government, to the nearest French port; and I have to state, in answer, that captain Hunn, on being informed that no instructions had been received here as to the trial of French vessels trading for slaves, deemed himself authorized to land here the greatest proportion of the crew of that vessel, who solicited to be permitted to avail themselves of such opportunities as might offer to return to Guadaloupe or the West Indies; and took under his charge the Sylph, with the master, and, I believe, a few sailors. The officers and men landed here have long since returned to the West Indies. No proceedings were taken in the courts of admiralty; the slaves only were disposed of in the manner stated in my letter of the 25th of February.

I have the honour to be, &c.

(Signed) C. Mac Carthy.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 5.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, dated Sierra Leone, 17th of February, 1820.

My Lord,

I BEG leave to inform your Lordship, that captain Leeke, of H. M. S. Myrmidon, arrived in these roads on the 8th instant, from a cruize to the Galinas, and brought with him five vessels, taken in or near that place, viz., a privateer or pirate, under the Venezuelian flag, with two Spanish slave-vessels, plundered by the pirate, a Portuguese vessel, with one slave, and a schooner under French colours, with one hundred and four slaves. I received at the same time a letter from captain Sandilands, commanding H. M. S. Morgiana, who had taken the latter vessel. I have the honour to transmit herewith enclosed copies of the letter alluded to, of the two documents to which it refers, proving that these slaves were procured and sold to the master of the French vessel, by a man of the name of Kearney, who has resided in this colony since the evacuation of Senegal, and carried on his trade under the British flag.

I also enclose copies of a letter addressed to me by captain Leeke, and my answer to the same; and lastly, the copy of a letter written to me by the mate of the French schooner (the master having remained at the Galinas) protesting against the detention of his vessel.

Commodore Sir George Collier appearing to concur in opinion with captain Leeke, it is at present proposed, though not finally decided, that the slaves be landed here, and the vessel sent with all the necessary proofs to Senegal.

I humbly trust that, under all the circumstances of the case, your Lordship will approve of the measure.

I have further to observe, that by information I obtained ten days ago from one of the principal inhabitants of the colony, lately returned from the Rio Nunez, there are now two vessels trading for slaves under the French flag, in that river: that several have been employed in the same traffic, in the Rio Pongos: That it is well known in the Gambia, that several small craft from Goree are continually employed in that illegal manner, between Cape de Verd, Bissages, and Cachou, and as none of his most Christian Majesty's men of war are either stationed or cruizing in these latitudes, the French slave-trade is increasing and must increase.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

For further information on that subject I beg leave to refer to captain Strong, lately promoted to the rank of Post, from the command of the Morgiana, who returns to England, and who was particularly zealous and successful during the time he served on this coast.

I have the honour to be, &c.

(Signed) *C. Mac Carthy.*

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

(Enclosure.)

His Majesty's Sloop Morgiana, off the Galinas,
25th January 1820.

Sir,

Enclosure
(N^o 1.)
in Governor Mac
Carthy's letter to
Earl Bathurst, of
the 17th of Feb-
ruary 1820.

BEING informed that a person of the name of J. D. Kearney, resident at the Galinas, is in the habit of visiting Sierra Leone, I have the honour of transmitting to your Excellency the copy of a contract entered into by him and others, with the captain of the French schooner La Marie, detained for adjudication by H. M. S. Morgiana; also a letter of instructions issued by him to the said captain, which will, I have no doubt, clearly point out to your Excellency the interest he has in the vessel, and the active and direct part he has taken in procuring and putting her slaves on board, thereby subjecting himself to all the penalties of the Acts of Parliament prohibiting His Majesty's subjects being engaged in the slave-trade.

I have the honour to be, &c.

Governor Mac Carthy,
&c. &c. &c.

(Signed) *Alex^r. A. Sandilands.*

(Enclosure.)

Copy of a Contract between J. D. Kearney, and Captain Guiot.

Gallinas, 25th November, 1819.

Enclosure
(N^o 2.)
in Governor Mac
Carthy's letter to
Earl Bathurst,
dated 17th Feb-
ruary 1820.

ARTICLES of an Agreement drawn up by J. D. Kearney and Mr. Shacker on the one part, and captain Guiot of the schooner Marie on the other part. The said Mr. Shacker and J. D. Kearney do agree to pay unto captain Guiot one hundred and five slaves, none to be under four English feet, and to be as equally proportioned, men, women, boys and girls, as can be.

The said captain Guiot does agree to pay the whole of his cargo for the said slaves as per *facture* invoice.

The whole of the above to be paid within forty-two days from the date hereof.

Witness,

Alex^r. A. Sandilands, com^r.
(Signed) Alex^r. Reach, purser.

J. D. Kearney,
Signed for Mr. *Shacker.*
J. D. Kearney.
Captain Guiot.

(Enclosure.)

Sir,

Gallinas, 26th Nov. 1819.

Enclosure
(N^o 3.)
in Governor Mac
Carthy's letter to
Earl Bathurst,
dated 17th Feb-
ruary 1820.

YOU will please to get your vessel nearer to the bar to expedite the landing of the cargo; you will also put what quantity of goods there the boats and canoes can safely carry in them, and send an officer to deliver the goods to Mr. Cleveland, who will wait at the kroomens place to receive them.

Your's, &c.

Captain Guiot,
Schooner Marie.

(Signed) *J. D. Kearney.*

Witness,

Alex^r. A. Sandilands, commander.
(Signed) Alex^r. Reach, purser.

(Enclosure.)

Sir,

H. M. S. Myrmidon, Sierra Leone, 13th Feb. 1820.

Enclosure
(N^o 4.)
in Governor Mac
Carthy's letter
to Earl Bathurst,
dated 17th Feb-
ruary 1820.

HAVING arrived in this river with several vessels detained by me, and having communicated with Sir George Collier upon the subject, the motives which induced me to examine, and ultimately detain, the schooner La Marie, under French colours,

SUPPRESSION OF THE SLAVE TRADE.

7

colours, with a cargo of slaves shipped by Mr. Kearney, a British subject, at the Gallinas, I have, in conformity to his opinion, to request your Excellency will assist me with the opinion of His Majesty's law officers, upon the propriety of landing the slaves immediately, in order to guard against disease and contagion, several of them being very ill.

In order to enable your Excellency to form a proper opinion of the case, I beg leave to submit to you the following facts, observing, that in the case of the Sylph, French schooner, captured by H. M. Sloop "Redwing," His Majesty's Government has directed the vessel and stores to be sent for adjudication to the nearest French port, together with such proofs as can be produced of her having violated the laws of her country, in order to her being tried for the same, thereby implying the illegality of the proceedings of the French master of the Sylph, a line of conduct I understand intended to be pursued by the commodore.

The schooner La Marie being at anchor off the river Gallinas, in the midst of six Spanish vessels, fitted for the traffic in slaves, naturally gave cause for suspicion that she was intended for the same purpose; and as I had been twice before deceived by Spanish and other vessels making use of the French flag to evade their being searched, I was induced in consequence to give orders that she should be boarded, and upon examination she was found to have a cargo of 104 slaves on board; and her documents clearly proving that they were the property of a British subject, J. D. Kearney, now residing at the Gallinas, as I have before stated, was the reason for my having deemed it necessary to detain her.

I have the honour to be, &c.
(Signed) *Henry S. Leeke*, commander.

Governor Mac Carthy,
&c. &c. &c.

(Enclosure.)

Government House, Sierra Leone, 14th Feb. 1820.

Sir,

I HAD the honour of receiving your letter of the 13th instant, requesting me to assist you with the opinion of His Majesty's law officers, with respect to the landing of the slaves from the schooner La Marie, taken under French colours, with a cargo of slaves, shipped by Mr. Kearney, a British subject, at the Gallinas.

I have to state in answer, that understanding that the King's advocate (the only law officer to whom I could apply for an opinion on that case,) has been retained by you as proctor; I conceive it might be irregular of me to ask of him a legal opinion on that point; but, at the same time, I have no hesitation in stating, that I fully concur in the propriety of those slaves being immediately landed, not only to prevent disease and contagion, but to release them from that state of suffering and misery under which they now labour.

I will further observe, that in the case to which you refer, of the Sylph, taken by captain Hunn, of His Majesty's sloop Redwing, on an application from that officer, I readily consented to the slaves being landed, and that under my directions they were placed in one of the towns established for that description of people; that having reported to Earl Bathurst the line of conduct I had followed, his Lordship signified to me the commands of His Royal Highness the Prince Regent "to take immediate steps for conveying the said schooner Sylph, if within the limits of my government, together with her crew, and such effects as she might have on board, to the nearest French port, in order that, on her arrival there, she might be delivered over to the French authorities, together with such proofs as might be necessary to enable them to proceed against the parties who might have been found guilty of having violated the laws of their country; and to transmit home copies of the proofs which I might have delivered to the French authorities respecting those persons."

The case of the Sylph was comparatively innocent when compared to that of the La Marie. The Sylph had taken her slaves near Bevin; the Redwing fell in with her near the Cape de Verd islands. The master of the La Marie framed his engagement with a British subject for slaves in the month of November last, well knowing at the time, I have no doubt, that J. D. Kearney had an established residence at Kent, near Cape Shilling; that he was provided with colonial papers for navigating his craft; that those very slaves were to be

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

procured, if not from this colony, at least from the very borders of it, and by a British villain exerting the means afforded him from his residence at Kent.

I have the honour to be, &c.

(Signed) *C. Mac Carthy*, Governor.

Captain Leeke,
Commanding H. M. Sloop Myrmidon.

(Enclosure.)

Sierra Leone, le 14^{me} Fevrier 1820.

Mons. le Gouverneur,

Enclosure
(N^o 6.)
in Governor Mac
Carthy's letter to
Earl Bathurst,
dated 17th of Feb-
ruary 1820.

J'AI été à Galinas par la corvette Anglaise la Morgiane, et conduit ici par la corvette le Myrmidon, capt. Leeke, malgré mes protestations; depuis mon arrivé on est venu prendre le nombre des noirs qui sont à bord, et il m'a été dit qu'on les descendroit à terre pour les garder, et qu'on m'enverroit avec la galiotte en France ou à Gorée pour être jugé.

Votre Excellence n'ignore pas que les batimens François ne peuvent point être visités, et que le commandant de la corvette, qui m'a nuit a agi contre les traités qui existent entre les deux Gouvernemens; Elle n'ignore pas non plus que je ne suis pas justifiable des autorités Angloises; et qu'en supposant qu'on m'ait dit vrai à l'égard de descendre a terre des noirs, et au renvoi de la galiotte, je ne vois pas pourquoi on feroit une difference entre ces deux objets.

Si la Cour de Justice de Sierra Leone est incompetant pour juger la galiotte il s'ensuit qu'elle ne peut pas non plus juger la cargaison car je ne peux pas que maintenir arbitrairement les noirs.

Un retard prolongé pouvoit prejudicier encore aux interests des armateurs, je prie votre Excellence de faire executer à mon egard les traités qui existent entre Sa Majesté Britannique et Sa Majesté le Roi de France.

Ja'i, &c.

(Signé) *A. Lepillitier*.

No. 6.—Copy of a letter from Governor Mac Carthy, to the Earl Bathurst; dated, Sierra Leone, 6 March 1820.

My Lord,

REFERRING to the letter I had the honour of addressing you on the 17th ultimo, reporting the circumstance of captain Leeke, of H. M. S. Myrmidon, having brought into this harbour a schooner under French colours, the *La Marie*, with one hundred and six slaves, which vessel had been taken by him in company with H. M. S. *Morgiana* off the Gallinas; I have to state that the slaves were landed here, and sent to one of the new towns (Waterloo). As it appears that the slaves were procured by a British subject of the name of Kearney, late a resident of this colony, captain Leeke has entered an action against the master in the Court of Vice-admiralty; and on his return from a cruize off or in the Rio Pongas, for which place he sailed on the 23rd past, he proposes taking the French vessel under his escort to Senegal, there to be disposed of agreeable to the French laws.

I have employed some trusty persons in order to apprehend, if possible, the ruffian Kearney, and should I succeed, I will send him for trial to England. I cannot but regret that a commission is not established here for the trial of such British subjects as are found in slave-vessels, or may hereafter be taken in the adjoining river. I am sorry to say that I have the most positive evidence that three British subjects were actively engaged in that manner very lately in the Rio Pongas; two in the Rio Nancy, and J. D. Kearney in the Gallinas.

I have the honor to be, &c.

(Signed) *C. Mac Carthy*.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

SUPPRESSION OF THE SLAVE TRADE.

9

No. 7.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, dated the 8th March 1820.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

My Lord,

I HAVE the honour of transmitting herewith enclosed, the copy of a letter I received this day from Commodore Sir George Collier, stating his having detained the French schooner *La Catherine*, with fifty slaves on board; that vessel has arrived in this harbour under the convoy of *H. M. gun-brig Thistle*, and I propose, agreeable to the request of the commodore, with whose opinion I fully concur, to have the slaves landed to morrow. On the arrival of the *Myrmidon*, which I expect daily, I hope her commander will take charge of her as well as of the *La Marie*, alluded to in my letter of the 6th instant (No. 234), and deliver both to the French authorities at Senegal, with all documents relating to them.

I have the honour to be, &c.

(Signed) *C. Mac Carthy.*

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

(Enclosure.)

His Majesty's Ship *Tartar*, off Cape Mount,
28th February 1820.

Sir,

AS I consider it highly important to check as much as is possible the increasing slave-trade now carrying on under the flag of France, almost upon the shores of this coast under your Government, I have detained and sent into the port of Sierra Leone the French schooner *La Catherine*, (having on board, a part of her cargo, fifty slaves, procured in the vicinity of the Gallinas) in order to her being conveyed to the nearest French authorities, to be proceeded against for a gross violation of the laws of her country.

In Governor Mac
Carthy's letter to
Earl Bathurst,
dated the 8th
March 1820.

I am therefore to request your Excellency's assistance, together with the opinion of His Majesty's law officers, in order that such steps may be taken to ensure the liberation of the slaves now on board the *Catherine*.

The many vessels under the French flag openly slaving upon this coast render it absolutely necessary that these violators of the laws of their nation should be sent to answer for the same before the proper French authorities; I am therefore to request that any additional proofs against them which can be procured through the means of your Excellency and His Majesty's law officers may be transmitted to captain Leeke, who has my instructions to deliver the *Catherine* over to the French authorities in Africa.

I have the honour to be, &c.

(Signed) *George R. Collier*, commodore.

N.B. I have every reason to believe that Mr. D. Kearney has been concerned in this transaction, as well as in many others.

No. 8.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst, dated Sierra Leone, 27th May 1820.

My Lord,

I HAVE the honour to inform you, that Lieutenant Hagan, commanding *H. M. gun-brig Thistle*, returned to this harbour, from a cruize, about seven p. m., on the 9th instant, and that captain Leeke having communicated to me on the same evening the report of that officer, detailing the horrid atrocities and murder committed upon the person of a midshipman, and several of the crew of one of his boats, whom he had despatched in the *Rio Pongos*, for the purpose of claiming the property of a British merchant, settled at the *Isles de Los* (Copies of Lieutenant Hagan's letters are enclosed, No. 1 and 2.) I deemed it my duty to offer every assistance in my power to rescue from captivity the unfortunate survivors of that boat. The outrage was committed by a Mulatto man, of the name of Curtis, a principal slave-dealer in that river.—That man, his brothers and late father, have, since I held the government of Sierra Leone, taken the oath of allegiance, and repeatedly declared that they would give up slaving.

I herewith

PAPERS RELATING TO THE

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

I herewith enclose a copy of my letter to captain Leeke, (No. 3.)—On his having expressed his concurrence in my opinion, no time was lost in embarking the troops, and the expedition was held in readiness to sail on the 11th. Sir George Collier arrived on the evening of the 10th, after a short passage from the Ascension; and I have great satisfaction in his expressing, after a full and mature consideration on the subject, his approbation of the measures adopted in his absence: the expedition accordingly sailed on the 12th, and returned here on the 23d instant, after performing with promptitude and ability, the principal object we had in view.

I feel it a pleasing part of my duty to state, that, in that instance, and in every other that has occurred to promote the good of the service, I have obtained from Sir George Collier the most effectual assistance and good advice.

Captain Chisholm, who commanded the land forces, bears the most flattering testimony to the zeal and gallantry of captain Leeke, and the whole of the officers and men belonging to the royal navy engaged in the expedition, and I sincerely hope, that the conduct of captain Chisholm, (whose report I herewith enclose, (No. 4,)) and the officers and men of the second West-India regiment, will meet with your approbation.

I cannot conclude without expressing my most sincere regret at the cause which, in my opinion, imperiously called for such an expedition. I deemed it a duty incumbent upon me to offer the assistance of British soldiers to rescue British sailors. I shall not fail to convey to Mr. Osmond my approbation of his conduct; and to assure him that, in consequence of his humanity in the present case I shall readily forget that he had sworn allegiance before, and yet carried on the slave-trade.

I enclose copy of my instructions to captain Chisholm.

I have the honour to be, &c.

(Signed) *C. Mac Carthy.*

The Right Hon. the Earl Bathurst,
&c. &c. &c.

(Enclosure.)

Sir,

His Majesty's Brig Thistle, Sierra Leone, 9 May 1820.

Enclosure
(N^o 1.)
in Governor Mac
Carthy's letter to
Earl Bathurst, dated
the 27th May 1820.

IN the absence of Commodore Sir George Collier, I beg to enclose the copies of certain letters and other documents connected with the proceedings of His Majesty's brig under my command, and I have no doubt you will see the necessity of an early interference on the points in question, not only for the honour of His Majesty's flag, but for the recovery of the property therein named.

I have the honour to be, &c.

(Signed) *R. Hagan,*
Lieutenant and Commander.

Captain Leeke, H. M. S. Myrmidon.

(Enclosure.)

Sir,

His Majesty's brig Thistle, off Isles de Coro, 8 May 1820.

Enclosure
(N^o 2.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

HAVING visited the Rio Pongas, in conformity to your orders, but without success, and afterwards proceeded to leeward without being able to detect any vessels with slaves actually on board, I returned to those islands for the purpose of gaining information of certain vessels supposed to be then ready. On my arrival I received a letter from Michael Proctor, Esq. a merchant here, complaining of the piratical seizure of his vessel in the Rio Pongas, and this being fully substantiated by his protest, copies of which are enclosed herewith, I considered it my duty to repair there, and demand her release; for which purpose, and also to examine any vessel in the river. I despatched, on the 4th instant, Mr. Robert Inman, Admiralty-midshipman, in whose skill, bravery, and local knowledge I placed the firmest reliance; copies of my orders to that officer, as also my letter to Mr. Curtis, are enclosed for your information; but with feelings of sincere regret, I have to report that Mr. Inman in execution of his duty fell a victim, with five or six others of the boat's crew, to the savage barbarity of the natives under the immediate orders and directions of Mr. Curtis, sen. In the absence of positive information, I am not able to detail the particulars attending this daring and atrocious violation of their wonted good conduct; but it appears too true that,

SUPPRESSION OF THE SLAVE TRADE.

11

that, after the death of the officer, the crew finding a further resistance useless laid down their arms, and then the loss which I have to lament took place—no quarter was given by those merciless savages, and not while one remained unhurt did they cease to pour in a most dreadful fire; two have, I believe, escaped, and eleven have been killed or wounded; the wounded are in the hands of Mr. Curtis, and I hope Mr. Wilson, a British merchant, residing in the river, to whom I am indebted (although at the risk of his life) for this information, will be the means of restoring them to the service.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

On gaining this information I had but one alternative, our provisions being all expended except three days; no pilot to carry His Majesty's brig across the bar, and then without the means of carrying into effect my original intention of retaking the boat from them, which together with her stores are retained. I considered it my duty to repair to Sierra Leone to report these events to you, or in your absence to the senior officer, for the purpose of obtaining sufficient force to punish such a daring outrage.

I should do injustice to my feelings were I to neglect reporting that the most savage and horrid barbarities were committed on the bodies of the unfortunate officer and men who fell on this occasion; and I feel assured, that unless a most prompt and severe punishment is inflicted, that in other parts of the river they will grasp the first opportunity for similar acts.

I have the honour to enclose the copy of a letter I thought necessary to address the chiefs on the subject, who I believe do not want inclination, and for no other reason than our checking the trade in slaves in that and the neighbouring rivers.

I trust, Sir, you will consider that, although this event has proved unfortunate, I have done only my duty. I had every reason to believe from Mr. Proctor's report, and from my knowledge of the natives of that river for four years or more, that no resistance would be offered to the boat, and in the absence of regular information, I cannot report the cause of the attack, but I have no doubt that the natives were the first aggressors.

I have the honour to be, &c.

(Signed)

R. Hagan, Lieut. & Commander.

Commodore Sir Geo. R. Collier, Bart. K. C. B.
&c. &c. &c.

(Enclosure.)

Government House, Sierra Leone, 9th May 1820.

Sir,

HAVING read the report of Lieutenant Hagan, which you did me the honour to communicate to me, at the same time that I must declare my inability of expressing in appropriate terms my painful feelings on a transaction as surprising to me as it is horrid, I deem it a joint duty to the Public Service, with you and the naval force under your command, to propose that we adopt prompt and adequate measures in the first instance, to release from a situation worse than slavery the unfortunate surviving sailors in the hands of that villainous wretch Curtis; and to bring that culprit, and all those who may have been implicated in his murderous deed, to trial.

Enclosure
(N^o 3.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

I most sincerely regret the absence of Commodore Sir George Collier, being thoroughly convinced of the great advantage the service would have derived from his experience and transcendent abilities; but I confidently believe that the urgency and importance of the occasion, the necessity of administering relief to British sailors, to uphold the honour and dignity of our nation, and the uncertainty as to the day of his return here, joined to the persuasion that we possess ample means to meet the occasion, will appear to him and His Majesty's Government sufficient cause to act, even in his absence; with these views I have the honour to offer you all the military assistance I can spare from the duties of the garrison, that is, four officers, and about one hundred and fifty bayonets. The command of that force I will intrust to captain Chisholm, brigade-major to the forces, an officer in whom, from long experience, I repose great confidence.

The object of the expedition being already understood, I would propose that Instructions be given to the sea and land officers accordingly, that is, securing by every means that can be devised, the seizure of the persons of Curtis and all those who were implicated in his crime, with the whole of the slaves in their possession; and,

at

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

at the same time, that it may be fully declared and made public, that British protection will be granted to the persons and property of the natives, or other persons residing in that river, who were not engaged in the attack on the boat of the Thistle.

This public declaration may be rendered the more necessary, as from the inimical perseverance of the natives and persons alluded to in the traffic in slaves, notwithstanding the repeated promises held out, both to my predecessor Governor Maxwell, and myself, of turning their views to an honest industry, they might be led to suppose that the object of the expedition was to chastise them for the violation of their oath.

Curtis, and his late father and brothers, came into this colony in 1815 and 1816; they claimed the rights of British subjects. The father was born near Boston, N. A. in the year 1774, prior to the revolution; they all took the oath of allegiance, and therefore, are to be considered as murderers in arms against their country.

I have the honour to be, &c.

(Signed) C. Mac Carthy, Governor.

Captain Leeke, R. N.
Command^r. H. M. S. Myrmidon,
Senior Officer,
Sierra Leone Harbour.

(Enclosure.)

No. 4.—INSTRUCTIONS for the guidance of Captain Chisholm, Brigade-Major to the Forces, commanding the Troops intended for an Expedition in the Rio Pongas.

Enclosure
(N^o 4.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

ON a reference to the letter I had the honour of addressing to captain Leeke, a copy of which is enclosed, you will understand the views under which the expedition is undertaken; and as circumstances may, and will, probably, occur, which it is not in my power to foresee, I can only give you a general outline for your guidance, relying upon the exertions of the officers and men of the royal navy, your zeal and experience, and the discipline and bravery of the troops, for a successful termination of operations.

You are aware that nothing will tend more to ensure success than a mutual good understanding with the officers and men of the navy; and you will not fail to impress that opinion upon the minds of the troops under your command.

The approach in vessels and boats will of course depend upon captain Leeke. I conceive that covering the landing of the troops by the firing of tuns or carronades will ensure a safe landing.

As great inconvenience, delay, and most probably accidents, would arise from making use of musquetry, whilst the boats are rowing towards the landing-place, you will issue the most positive orders that none shall fire together, or at random. In the event of a party from the natives firing from behind bushes or open ground, it may be advisable to employ a few good marksmen, to fire deliberately, one after the other, as they may be called on to do by name or number.

On reaching the shore, in order to prevent the danger of ambuscade, a proportion of the troops are to be directed to extend to the front and on the flanks; and, under the protection of the skirmishers, the remainder will either advance in line, or column, according to the nature of the ground, to seize on the principal buildings, and such persons as may be found. You will protect the people unarmed, the old men, women and children, from any attack. In the probable event of the place being found deserted, you will issue directions to secure the property from plunder, and according to the information you may obtain, you will immediately proceed to the towns of the head chief in the interest of Curtis.

From such chiefs as may be assembled or taken, you will demand the immediate surrender of Curtis and his associates, together with all his property in merchandise, slaves, &c. Should the giving up of Curtis be obstinately refused, and should it appear also that his head chief has participated in the murder of the sailors of the Thistle, in that case you will seize upon the chief, and set fire to his house.

In your general conduct towards the chiefs and inhabitants you will act with discrimination, treating all those who may have behaved friendly, with kindness, and protecting their property from all manner of insult. You will impress upon their minds the necessity, for their own future welfare, of giving up Curtis and all his associates

SUPPRESSION OF THE SLAVE TRADE.

13

associates in blood ; holding out to them that, in the event of their refusing so to do, their river will be blockaded, and they will be debarred from all intercourse in and out.

From the advanced period of the year, it is necessary that every possible despatch be used to bring the expedition to a close ; and you will consider yourself as hereby authorized (provided the information we at present possess should be found correct) to take as prisoners the whole of the principal persons who participated in the attack of the boats, or who afterwards mutilated the remains of the crew, together with their property ; and on your retreat to set fire to their habitations.

In the performance of these instructions, you will duly consult with captain Leeke, or such other officer as may accompany the expedition on land.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

(Enclosure.)

Sir, H. M. Brig, Snapper, River Rio Pongas, 19th May 1820.

THE three companies of the 2nd West-India regiment ordered for service in this river, and which you did me the honour to place under my command, embarked on board H. M. ships Myrmidon and Morgiana, Brigs Snapper and Thistle, at Sierra Leone on the 10th instant. Captain Leeke having received his instructions from Commodore Sir George Collier. On the morning of the 12th the squadron put to sea, and arrived off the mouth of this river on the 15th.

Enclosure
(N^o 5.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

As there was not a sufficient depth of water to float the ships over the Bar, their boats with the marines and troops on board of them, were removed to the brigs, and those vessels continued approaching the Bar until the lateness of the evening rendered it necessary to come to anchor. We entered the river the following morning, and on our arrival at the Forks, a canoe was dispatched with a letter (a copy of which (No. 1.) is annexed,) to the native chiefs and traders, declaratory of our wish to treat with them for the release of the surviving crew of the boat of H. M. brig, Thistle, and the restoration of the said boat, her arms, stores, &c. This letter was sent to Mr. Wilson, lately residing at Sierra Leone, and now trading in this river, with a request that he would deliver it or communicate its contents to persons of influence in the vicinity of his factory ; and as the man who was intrusted with its conveyance did not arrive on the succeeding morning, although positively instructed to return to the vessels without delay, captain Leeke and myself thought a longer stay for an answer from the chiefs would be improper ; we therefore made arrangements for proceeding direct to the town where the attack was reported to have been made on the boat of the Thistle.

We received information that Curtis had obtained considerable aid in men and arms from neighbouring chiefs, and that he was prepared to offer obstinate opposition to our landing. Captain Leeke, in consequence of this intelligence, brought the brigs as near his town as possible, and armed most of the boats with carronades to cover the landing of the troops. He also directed the marines of the squadron to act under my orders, and placed parties of seamen in the boats under their respective officers. It was originally his intention to have conducted in person the movements of the boats to the landing-places ; but on discovering a body of Curtis's men preparing to fire at the farthest advanced brig from a mud fortification mounting several guns, and advantageously situated on a commanding height, he intimated to me that he would continue on board of her to superintend her firing, with that of the other brig, against the fort, observing that he hoped by doing so to engage the attention of a considerable number of men, and thereby facilitate our landing.

Supposing that the appearance of so considerable a force as now approached Curtis town, would induce the natives to enter into a negociation for the release of the seamen in their custody, and the surrender of the person of Curtis, the boats advanced under a flag of truce, and precautions were taken to prevent firing, or other acts by which the natives could be alarmed ; and from their having (on our hoisting the truce) exhibited a white flag at their fort, we had reason to believe that they comprehended its signification. The signal and our forbearance were however totally disregarded, for immediately on the arrival of the boats at the landing-place, a heavy fire commenced from the fort, and from parties of men posted in very thick mangroves close to the wharf ; this was instantly returned on our side, and the whole of the men being landed, the enemy was compelled to retire to a palisade erected in front of the town. From behind this covering they continued to oppose our advance,

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

advance, but were soon dislodged, and being closely pursued, retreated through the town to a wood in its rear.

Having taken possession of the town and fort, and waited some time in expectation that some of the natives would attempt to save their property from destruction by making advances towards an accommodation, captain Leeke (who landed immediately on the fort being silenced,) and myself determined on destroying the stocades and palisades surrounding the town, burning the houses, razing the fort and removing the cannon from it to the vessels of war; and on this being done, it was agreed that the troops should proceed to the attack of the adjoining towns in alliance with Curtis. During the execution of this service I made frequent attempts to invite the natives to a conference, but my endeavours proving fruitless, their towns were burnt, agreeable to the arrangements made in conjunction with captain Leeke, and the troops returned to the ships.

The gentleman (Mr. Wilson) to whose care we intrusted the letter addressed to the chiefs and traders, on the 16th came on board of this vessel soon after our re-embarkation, and it appearing by his statement that Monga Braina, a chief of considerable power, residing about four miles from Curtis town, was the principal encourager of the attack on the Thistle's boat, and the person at whose command the wounded prisoners were so inhumanly treated at their surrender, captain Leeke and myself thought it probable that the few surviving seamen might be still in his town, and it was therefore determined that the troops should visit it early in the morning, with the view of demanding their release; and in the event of the people acting hostilely towards us, it was decided that they should be considered as confederates of Curtis, and their persons and property be dealt with accordingly.

The town is situated in the middle of an extensive wood, and as we were exposed during our march to a very heavy fall of rain, and being without guides, we found much difficulty in discovering it. We saw but few of the inhabitants; but from their being armed, and having attempted resistance, I have great reason to believe that they expected and fully depended on the co-operation of a considerable body of men, much more numerous and powerful than themselves: they suffered considerably from our fire, and when we occupied the town they withdrew into the woods. As it was not possible to get any intelligence of the men we were in quest of, I directed the houses, &c. to be set on fire, and a large quantity of merchandise (principally the property of Curtis,) was destroyed.

In the course of the operations of this day, and those of yesterday, a corporal of marines died of excessive fatigue, and one private of marines, and two privates of the 2d West-India regiment, were wounded.

Shortly after our return to the ships we had the satisfaction of obtaining the release of two of the seamen of the Thistle, through king Yanda Coney, who, becoming anxious for the safety of his town, insisted on their liberation. The four remaining seamen were secured from the power of Curtis, through the good offices of Mr. Wilson, and the protection of a Mr. John Ormond, one of the principal traders in a distant part of the river. A boat was despatched for them by captain Leeke, and we had the pleasure of receiving them on board at an early hour this morning. The principal object of the expedition being accomplished, by the restoration of these men to the service of their country; and the punishment of the savages who so barbarously put their comrades to death after their surrender, the squadron is to return to Sierra Leone without delay.

I feel great pleasure in reporting to you, that the behaviour of the troops has been highly satisfactory to me. The conquest of a large district of woody country, defended by an armed body of men, which the neighbouring inhabitants say exceeded 3,500, and the destruction of several towns, with an inconsiderable loss on our side, is to be ascribed to the resolute conduct of the conjoined forces in the attack on Curtis town.

I cannot close this report, without expressing my sense of the advantages which the expedition derived from the zeal and experience of captain Leeke. His arrangement for the landing of the troops, and the co-operation of the boats crews, are highly creditable to him, and the firing from the ships of war, under his immediate directions, produced the effect he anticipated.

It is but justice to captain Stepney, and the other officers, who acted immediately under my orders, to state that I received great assistance from them; and the officers of the navy who acted in conjunction with me on shore merit my warmest thanks for their zealous support.

SUPPRESSION OF THE SLAVE TRADE.

15

I annex copies of a letter received from Mr. Ormond, and its enclosures marked 2 and 3, and copies of letters addressed by captain Leeke and myself to king Yanda Coney and Mr. Ormond, numbered 4 and 5; and I deem it my duty to bring to your notice, the praise-worthy conduct of the latter person in affording protection to the four seamen when pursued by Curtis.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

I have the honour to be, &c.

(Signed)

James Chisholm, cap^t. 2d. W. I. reg^t.
Commanding the land forces employed in the
Rio Pongas.

His Excellency Governor Mac Carthy,
&c. &c. &c.

(Enclosure, No. 1.)

THE commanding officers of His Britannic Majesty's land and sea forces in the Rio Pongos promise their most sacred words of honour that they will guarantee the protection and safety of the persons of as many of the chiefs of this country as will immediately show a disposition to meet them on board one of His Majesty's ships now in this river, for the purpose of bringing to a speedy conclusion the misunderstanding between His Majesty the King of Great Britain and the persons concerned in the late atrocious attack upon the boat of His Majesty's brig Thistle.

Enclosure
(N^o 6.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

Given under our hands, on board H. M. brig Snapper, in the Rio Pongos,
the 16th of May 1820.

(Signed,)

Henry J. Leeke,
Capt. of H. M. S. Myrmidon, and senior officer of His
Majesty's ships and vessels in the Rio Pongos.

(Signed)

James Chisholm,
Capt. 2d. W. I. Reg. commanding officer of His
Majesty's land forces.

To the chiefs and traders of
the Rio Pongos.

(Enclosure, No. 2.)

Sirs,

Bangalang, 17th May 1820.

YOURS I have just received through the hands of Mr. Wilson; have only to say that it is out of my power to appear on board agreeable to your wish, in consequence of having protected the four men which made their escape from below, as I must be at present on my guard from those who demanded the men from me (the letter of which you will receive enclosed).

Enclosure
(N^o 7.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

I hope you are informed that I have no animosity against the British Government, and do assure you that there is no person or persons in my quarter that is ill disposed towards you; and I hope you will excuse me from making my appearance according to your request, for the four men men that is now under my protection is at your command whenever you please.

Remain, Gentlemen, yours friendly,

(Signed)

John Ormond.

To the commanding officers of His Britannic Majesty's
land and sea forces in the Rio Pongos.

(Enclosure, No. 3.)

Kissing, 12th May 1820.

Sir,

By the bearer I expect you will deliver the four men which I understand are in your possession. I want no further hesitation than their immediate release, as I wish no dispute with you; but in case of your refusal expect what your deserts merit. Further, you need not expect to clear yourself by another's actions; look back to your own, and reflect. If the detention of these men will be sufficient to evade former transactions you are best able to judge. I can't conclude without reminding you of your temerity and unfriendly behaviour in this affair; and again, compliance to my former desire is immediately requested.

Enclosure
(N^o 8.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

(Signed)

Thomas G. Curtis.

Mr. John Ormond, Bangalang.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

(Enclosure, No. 4.)

Sir,

THE greatest proof you could have given of your friendly disposition towards His Majesty the King of Great Britain, was received by us this morning, in the persons of two of his subjects who were wounded, taken, and cruelly treated, by that infamous villain Curtis. We came into this river for the express purpose of releasing from a horrid captivity the surviving crew of the boat of H. M. brig, Thistle, and were proceeding to destroy the rest of the factories and towns, when your kindness restored those men to us, and prevented the destruction which must have ensued. As a further proof of your friendship towards our nation, we have to request that you will have the person of Curtis seized and sent to Sierra Leone, without loss of time, as well as the whole of the stores belonging to His Majesty; together with the sloop and property belonging to Mr. Proctor, which was seized by the said Curtis. We hereby promise, on the behalf of the British Government, that the whole of the expenses incurred by you in executing these our wishes will be instantly repaid by the governor of Sierra Leone.

Enclosure
(N^o 9.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

(Signed) *Henry J. Leeke,*

Captain of H. M. S. Myrmidon, and senior officer of
H. M. ships and vessels in Rio Pongos.

(Signed) *James Chisholm,*

Capt. 2d. W. I. regt. Commanding officer of
H. M. Land Forces.

To Mungo Yanda Coney, Chief in
the Rio Pongos.

(Enclosure.)

Sir,

H. M. Brig Snapper, Rio Pongos, 18th May 1820.

WE feel the greatest pleasure in returning to you our thanks for the kindness shown by you, to the four men who were taken by that merciless scoundrel, Curtis, from the boats of H. M. Brig Thistle. It was our intention to have proceeded up the river for the purpose of destroying some of the towns and factories in your neighbourhood; but the timely arrival of Mr. Wilson, and his favourable report of your kindness and protection to these unfortunate men, determined us, instead of acting hostilely towards you, to have paid you a friendly visit, with a view of making known our acknowledgments in person for your good offices towards them, and to assure you, at the same time, of the friendly disposition of the British nation towards the native chiefs and traders of Africa. We have sent this by an officer of H. M. S. Myrmidon, accompanied by Mr. Wilson, who will receive the four men; at the same time you will oblige us by sending an account of the expenses incurred by you for their maintenance.

Enclosure
(N^o 10.)
in Governor Mac
Carthy's letter to
Earl Bathurst of
the 27th May 1820.

(Signed) *Henry J. Leeke,*

Captain of H. M. S. Myrmidon, and Senior Officer of H. M. Ships
and vessels in the Rio Pongos.

(Signed) *James Chisholm,* Captain 2d W. I. Regiment,
commanding officer of H. M. land forces.

To Mr. John Ormond.

P. S. Will you have the goodness to make known to the native chiefs and traders of this river, our wish to remain on the most friendly terms with them; and that we are desirous to assist their legal trade in every possible way. It is gratifying to observe that none of the chiefs in your part of the country have taken the part of those cowardly wretches the Curtis's. We should have extreme pleasure at seeing them on board, where we could explain our wishes to a greater extent.

No. 9.—Copy of a Letter from Governor Mac Carthy to the Earl Bathurst,
dated Sierra Leone, 13th June 1820.

My Lord,

I HAVE the honour of transmitting herewith, enclosed, the copy of a letter addressed to me by the honourable Edward Fitzgerald, chief justice of the Colony, and
judge

SUPPRESSION OF THE SLAVE TRADE.

17

judge of the Vice-Admiralty Court, with the paper to which he alludes, as also the documents referred to in the same.

I have the honour to be, &c.

(Signed)

C. Mac Carthy.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

Sir,

(Enclosure.)

Sierra Leone, 2d June 1820.

THE paper which accompanies this letter is a statement of a case lately tried in the Vice-Admiralty Court of this Colony, upon the prosecution of captain Leeke, of H. M. S. Myrmidon, and captain Sandilands, of H. M. S. Morgiana, proceeding against 106 slaves, as liable to forfeiture to His Majesty, under the Act 46 Geo. 3. cap. 52. sect. 2, having been embarked by one John Ouseley Kearney, a subject of His Majesty and a resident of this Colony, on board the French schooner La Marie, destined to the island of Martinique.

The transaction took place at the Galinas, a place not subject to any authority of this colony, or of the British Crown.

The master of the vessel having bartered the whole of his cargo for one hundred and five slaves to Kearney and another, and having made a delivery of the whole, prior to the embarkation of the slaves, my opinion was, that the slaves, when delivered in return, were, with all the liabilities affecting them, the property of the master of the French vessel, and therefore not capable of being judicially forfeited to the British Crown, according to the tenor of the information in this case, and of the statute upon which it is founded.

This decision was, as the statement of the proceedings will show, resisted very strongly by captain Sandilands, on the part of the prosecution; and continues to be unsatisfactory to him, as well as, probably, to most others of those interested; although from the circumstance of having no other party opposed to them, and therefore having to encounter all the costs of an appeal, without the prospect of relief, they are not disposed to adopt such a measure.

I am extremely concerned that any difficulty should stand in the way of the reconsideration of any judgment of mine, or of its correction, if it should be erroneous; and therefore, as the only remaining course to attain that object in the present matter, I have to request you, Sir, that you transmit the statement to Earl Bathurst, in the hope that his Lordship will be disposed to place it before the Lords Commissioners of His Majesty's Treasury, with a recommendation that their Lordships, if they should be advised that the judgment is erroneous, would take measures to have it reversed by consent, or otherwise to cause the prosecutors to be admitted to the benefit of the bounties from which they are excluded by it.

I have the honour to be, &c.

(Signed)

Edward Fitzgerald, J. V. C.

Governor Mac Carthy,
&c. &c. &c.

Enclosure
(N^o 1.)
In Governor Mac
Carthy's Letter to
Earl Bathurst, dated
the 13th June 1820.

INTRODUCTORY STATEMENT.

The French schooner La Marie, Guiot, master, was found at anchor off the Galinas, on the 25th of January 1820, by His Majesty's ships Myrmidon, captain Leeke, and Morgiana, captain Sandilands. La Marie had on board at the time one hundred and six slaves; and it was ascertained, by inspection of the papers belonging to her, that these slaves had been sold and put on board by one John Ouseley Kearney, a British subject, and an inhabitant of the colony of Sierra Leone. The schooner was in consequence detained, and sent to Sierra Leone, where the slaves were landed, and placed in the establishments for liberated negroes in the interior of the colony. The schooner was subsequently conveyed to Goree, the nearest French settlement, for the purpose of delivering her to the authorities of that place.

Enclosure
(N^o 2.)
in Governor Mac
Carthy's Letter to
Earl Bathurst to
the 13th June 1820.

Case and Proceedings.

The slaves landed at Sierra Leone from La Marie, one hundred and six in number, were libelled in the court of Vice-Admiralty of the colony, as seized and prosecuted by

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

by captains Leeke and Sandilands, by D. M. Hamilton, their proctor, for forfeiture under the Act 46 Geo. III. cap. 52, sec. 2. The information consisted of three counts :

The first count alleged that the said slaves were " by one John Ouseley Kearney, a subject of His Majesty, and a resident of the colony of Sierra Leone, being then and now a territory belonging to and in the possession of His said Majesty, unlawfully shipped, embarked, and put on board the said schooner or vessel, with the intent of exporting, transporting, carrying, conveying and sending them the said slaves to St. Pierre, in the island of Martinique; the said island of Martinique being an island colony, plantation, territory or place under the dominion of his most Christian Majesty, the King of France, or some other foreign," &c.

The second count was, that the said John Ouseley Kearney did cause and procure the said slaves to be embarked.

The third count was, that the said John Ouseley Kearney did unlawfully aid and assist in embarking, &c.

No claim was given in.

The cause came on to be heard on Friday the 28th day of April.

In support of the prosecution a number of papers were exhibited belonging to those found on board the schooner at the time of her detention. These papers were the latter part of a series beginning with No. 12, continued with No. 13, deficient of No. 14, resumed with No. 15, No. 16, No. 17 and No. 18, with which the series closed.

The papers No. 15, No. 16, No. 17 and No. 18, were the only papers brought distinctly under the notice of the Court, being those alone which were material to the case of the prosecutors. These four papers were proved by the oaths of Joseph Reffelle, esquire, Sheriff of the colony of Sierra Leone, and of Thomas Carew, esquire, Justice of the Peace of the colony, and one of the Aldermen of Free Town, to be either in the whole or in every material part, (that is, with the exception of the numbering and indorsement, and with the exception of an inventory on the back of No. 15,) all in the hand-writing of John Ouseley Kearney.

The same gentlemen proved Kearney to be a British subject.

In the succession of papers proved by those gentlemen, of which copies are annexed,

Written in bad French. { No. 15 is an acknowledgment of a debt of three prime slaves to captain Guiot, for twenty-six musquets, and of one other for two (*espingoles*).
17th December 1819. (Signed) J. O. Kearney.

No. 16, dated Galinas, 3d Dec. 1819, contains an inventory of the goods composing the cargo of the schooner *La Marie*; with an estimate of the value, calculated in the African trade-currency, of bars. The whole written in bad French, with a receipt in the following terms :

Recu, pour Mr. Sheacker.

J. O. Kearney.

No. 17, Articles of agreement, by which Kearney and a well-known slave-dealer called Mr. Sheacker, agree to purchase the whole of the cargo of the schooner *La Marie* for an hundred and five slaves; Guiot the master agreeing on his part to pay the whole of his cargo for the said slaves. The whole of the above to be paid in forty-two days. Signed J. O. Kearney; and signed for Mr. Sheacker, J. O. Kearney, V. Guiot.

This paper is written in English, and dated Galinas, 25th November 1819.

No. 18, Is a note or letter written by Kearney to captain Guiot, inviting him to place the schooner in a situation more convenient for landing the cargo, and giving further directions on that subject. This paper is written in English, and dated 26th Nov. 1819.

The other proofs on the part of the prosecution were contained in answers to interrogatories administered to Charles Gilman, a German sailor, late boatswain on board the schooner *Marie*. The substance of his evidence was, that the slaves had been embarked by Kearney, who had personally brought some of them in his own boat; that they were the property of Kearney, of a Mr. Williams, and of the King at the Gallinas. That the deponent believes Mr. Kearney and Mr. Williams are partners, and that Mr. Kearney is the principal. The person named Mr. Williams is a native slave-dealer, well known on this part of the coast.

Here the evidence closed.

SUPPRESSION OF THE SLAVE TRADE.

19

The case of the prosecutors was not sustained by any statement or argument. The King's advocate, D. M. Hamilton, esquire, who acted as proctor for the seizers, and drew up the information, and assisted with his advice out of court, was disabled from attending in court by indisposition. Mr. R. B. Fitzgerald, one of the junior proctors of the court, attended in Mr. Hamilton's place; but he also had been disabled by indisposition, and prevented from making the necessary researches to enable him to do any thing beyond the mere formal duty of moving for judgment of forfeiture against the hundred and five slaves. He made this motion, in the first instance, on the ground of the absence of defence, and of claim; and on intimation from the Bench, that it was expected some further ground would be shown; he adverted to the unlawful acts of Kearney in embarking the slaves, by means of which acts, he conceived, the liability of forfeiture was fully established under the provisions of the Act of Parliament 46 Geo. III. cap. 52, sect. 2, as specified in the libel.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

The Judge said, he could not regard this as a case in which judgment of forfeiture should pass, as a matter of course, in the absence of claim or defence; more especially as a claim could not be attended with any beneficial result to the claimant; for in no event would he be disposed to allow the slaves to be restored into the hands of a private individual, as private property: while, on the other hand, such a claim must have the effect of fixing on the claimant, by his own confession and declaration, if not by his oath, an act highly criminal and severely punishable; for the act of trading in slaves was now highly criminal, and severely punishable, by the law of France as well as by the law of Great Britain. He could not pronounce the slaves to be forfeited unless he found himself warranted by fact and by law to do so; and in this case he found, in the particular circumstances of the fact, as they appeared on the face of the papers by which the prosecution was supported, as well as in the law as applied to those facts, difficulties standing in the way of a judgment of forfeiture, which should be removed before he could pronounce that judgment.

Mr. R. Fitzgerald said, he was wholly unprepared, even to hear of any difficulty in the case; his indisposition had prevented him from giving, until very lately, even the ordinary passing attention to it; and being just sufficiently recovered to venture into Court, he had come prepared only to make, on behalf of Mr. Hamilton, the motions of course, which alone were thought likely to be required.

The Judge said he would state the difficulties that he felt, and appoint another day to consider such information or argument as may be brought forward to remove them.

This proposal was accepted on the part of the prosecutors.

The Judge said he had to remark, first, that there was great irregularity in the manner of bringing in the papers in this case, and in the way in which those papers were at this time before the Court. The proper way of bringing them in, and carrying on the preliminary proceedings connected with them, was pointed out in a very brief and very plain manner by a very high authority, by Sir William Scott, in pronouncing his judgment in the case of the *Louis*; and the instruction ought to be the more forcible in the Vice-Admiralty Court of Sierra Leone, and the more invariably attended to by those who practised there, as it was an instruction conveyed in the way of reprehension upon prior irregularity in that respect in the practice of that very Court. The exalted Judge to whom he referred, observed, as it was stated in Dodson's Report of the case of the *Louis*, page 31.

"What was the natural as well as legal course—surely simple and obvious enough, for the proctor, after lodging in the registry all the papers found on board, and citing by monition the party to appear, to give in a libel answering to the bill of indictment in criminal cases, stating the facts imputed, and the law that is charged to be violated, and praying the examination of his witnesses thereon, and the judgment of the court upon the effect of the documents and testimony to be produced." In the present case, no papers were furnished for a long time after the libel was given in; and when some were at length obtained they were but a part of a defective series, beginning with No. 12, and ending with No. 18. No. 14 also being deficient. They were not accompanied by any list, nor authenticated by any affidavit. Those which were most material as affecting Kearney were identified with him, but they were not identified with the ship, either by the usual and regular proofs, or by any other. He could easily suppose that most of those papers which were deficient, if not all of them, had been sent with the vessel, in order to furnish proof of her violation of the law of France, and particularly the log-book, which he conceived had the specific dates of the several distinct shipments of the slaves as enumerated

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

in the information. It was desirable that any of those deficiencies which could be remedied should be remedied even now; and where no remedy remained, at least such explanation might be given as the nature of the case required, and as the circumstances might afford. The principal difficulty which he found, however, was in the circumstances of the property of those slaves, such as that property was. The papers read in support of the forfeiture bore on the face of them evidence of a regular bargain and sale, and of a subsequent transfer of property and possession. There were articles of agreement, viz. dated 25th November; according to which the master of the vessel sold the whole of his cargo pursuant to invoice, to Mr. Kearney and Mr. Sheacker, for one hundred and six slaves, to be paid in forty-two days from that date. There was a letter from Kearney, dated the 26th of November, desiring the master to bring the vessel nearer to the Bar, to facilitate the landing of the cargo. There was an acknowledgment of the receipt of the goods, dated 3d of December, subscribed to a detailed inventory signed "for Mr. Sheacker, "J. O. Kearney;" and there was a paper (No. 15,) of 9th of December, by which Kearney acknowledged a debt of three prime slaves for twenty-six musquets, and of one other for two (espingoles) due from Kearney himself to captain Guiot. From this succession of dates and facts he conceived that Kearney had received judgment in advance for one hundred and six slaves, and subsequently for four others, and consequently the property of the slaves, when embarked by Kearney, was in the French purchaser, and therefore they could not be liable to become forfeit to the British Crown for a violation of British laws committed by a British subject. The whole of the transaction, down to the seizure inclusive, having taken place beyond the range of British colonial authority. The prosecutor, captain Sandilands, expressed much dissatisfaction at the tendency of the opinion here intimated by the Judge. He was informed from the Bench, that it would be open to him to show in the subsequent sitting on the case, that Kearney had some actual interest in the slaves still remaining at the time of the seizure. It would also be open to him to show that the construction of the Act of Parliament 46 Geo. III. chap. 52, sec. 2, on which the information in this case was founded, required that all slaves embarked by British subjects should be condemned as forfeiture with whomsoever the property might be at the time of seizure; and that the restrained and limited condemnation, "so far as any of His Majesty's subjects, or any person resident as aforesaid, have or hath any property, share or interest therein," is to be considered as applied only to the ships in which the slaves should be unlawfully embarked.

Captain Sandilands being under orders to proceed to sea on service, without loss of time, requested that the earliest day, consistent with the convenience of the Court, should be appointed for the further hearing and judgment. The Judge said it was a rule with him to make the convenience of parties his convenience, so far as his duty would admit; and to expedite the course of justice in every way that he could do so, consistently with the research and deliberation requisite to inform himself properly on the matter in question. In the present case, the further proceeding might be tomorrow, if the prosecutors desired it.

On consultation, the prosecutors thought the further papers would not be ready before Monday: that day was accordingly fixed for the further hearing.

On Monday the 2d of May the consideration of the case was resumed, when some further documents and proofs were exhibited. These were,

The original list of the papers found on board the French schooner *La Marie*, as they were numbered and marked by Alexander Reach, purser of the *Morgiana*, when they were brought on board that ship from the schooner, at the time of her being detained. The list, beginning with No. 1, and ending with No. 19, was authenticated by the affidavit of Alexander Reach. The papers exhibited in court, and others in the registry not exhibited, corresponded, in the numbering and marking with the descriptions affixed to the same numbers in the list. Those exhibited contained all that could be supposed material to the case of the prosecutors.

An affidavit, sworn by Charles Gilman, late boatswain of the French schooner, *La Marie*, stated that, to the best of his knowledge and belief, all the slaves that were brought on board the French schooner *La Marie*, were brought on board in the boats belonging to John Ouseley Kearney, and that upon one occasion he actually conducted them himself; and that the boats so employed were the actual property of the said John Ouseley Kearney; and he further declares that the said John Ouseley Kearney was frequently on board the schooner.

An affidavit, sworn by John Thomas, a negro, lately serving as a seaman on board the

the schooner, stated " that he frequently went for the slaves that were procured for the French schooner *La Marie*, for which purpose a boat belonging to John Ouseley Kearney was employed; and that he believes the boat was marked with the name of the said John Ouseley Kearney on the stern, outside; and that with the exception of two small boys, all the slaves were so brought on board.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

In answer to interrogatories put by order of the Judge, Charles Gilman, above mentioned, stated, on his oath, that he had opportunities of conversing with John Ouseley Kearney, and did converse with him, which conversation related principally to the slave-trade and to the coast. He does not know whether John Ouseley Kearney was aware that the schooner *La Marie* was bound to Martinique, but he believes that the said schooner was known to him to be a French vessel. The men on board the schooner shipped at Martinique to return thither; and it was matter of conversation and opinion on board that such was her destination. Captain Sandilands argued that these papers strengthened the case of the prosecution, and gave a fuller title to the condemnation and forfeiture of the slaves. The list of papers given in by Mr. Reach, and authenticated by his affidavit, remedied the deficiency on that head remarked upon by the Judge in the former sitting. The affidavits of Gilman and Thomas connected Kearney with the shipment of the slaves in so forcible and particular a manner as to render the whole, or very nearly the whole, his act.

The Judge said he considered Kearney's illegal and highly-criminal concern in the whole of the business to be fully and unquestionably established. The great and only difficulty that he felt was in the situation of the property, and in his persuasion that the law could not attach forfeiture to the slaves in foreign possession, beyond the range of British territorial jurisdiction, further than as British property or interest should appear, or be shown to exist. But it was open to the prosecutors to show that the due construction of the law required the forfeiture of the slaves embarked by British subjects, in the hands of whatsoever persons, or the property of whose soever they may be.

Captain Sandilands observed, that the Act of Parliament had in fact been construed in the sense of declaring all slaves liable to forfeiture who should be embarked by British subjects. A case had been so decided here by Mr. Thomson, Governor and Judge of the Vice-Admiralty of this colony: A number of slaves had been embarked in the *Rio Pongos*, on board a Swedish vessel, by a British subject named Samo, who had been previously paid for them in goods. These slaves Judge Thomson distinguished from the other slaves put on board by different other persons, and condemned them, restoring those put on board by the other persons, together with the ship.

The Judge said he had heard of the case referred to, and in the anxious desire to improve and direct his judgment by all available means of information and authority, he had made every inquiry and research, with a view to obtain some authentic intelligence respecting it. If he had been able to find any record, or any printed or written statement, he would have given his best consideration to the facts and circumstances, and to the grounds of the decision; and if he saw sufficient reasons to make it his duty to do so, he would have corrected his own judgment accordingly; but unfortunately he had not been able to give himself the benefit of any thing more than mere verbal accounts, founded on distant recollection, similar to that now adduced. These naked and unvouched statements, unaccompanied by any of the grounds or motives of the decision, could not outweigh or control the reasoned impression of his own mind, founded upon the facts and circumstances of the present case, and upon his conception of the law as applicable to those facts and circumstances. All that he could do, would be, as his decision was not likely to give satisfaction to the prosecutors, to refer it for further consideration to England, in the way which would most effectually prevent further offence, stating the doubts and difficulties which he had felt in forming that decision in respect to fact, and in respect to law; and his further doubts arising from the knowledge of the existence of this opposite judgment.

Captain Sandilands would not say any thing in opposition to this course, if the Judge had made up his mind to it; but he must express his persuasion, that the results of the immediate decision, as affecting the naval operations against the slave-traders on this coast, would be to restrain much of the activity now exercised, and to leave free range to several branches of the traffic.

The Judge was aware that the instances of the insufficiency of existing laws to meet

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

meet the exigencies of particular cases, were of daily occurrence; but that, however, it might be a reason for further enactments to supply the deficiency, would not justify an attempt to meet the exigency of the moment by forced and unwarranted constructions. He must also be allowed to say that he had too good an opinion of the British Navy to allow him to suppose that those engaged in its service would be rendered less zealous in the discharge of so noble a duty, as that of the liberation of their fellow creatures from bondage, by the consideration that no premium could attach to it in this or that case. It would be matter of the greatest gratification to him that this reward should be extended, not only to cases like the present, but to every other case of the deliverance of human beings from the holds of slave ships, and from the hands of slave-dealers. This wish was congenial to the attachment with which he regarded the British Navy, and still more with his view of the particular nature of the service on which the British flag was employed on the coast of Africa, without any distinction as to the cases which might come under the control of the commanders in the course of their duty; for whether the unlawful slave-dealer was, according to the circumstances, subject to this or to any other law, the deliverance of the victim of the illegal and criminal traffic was the great object sought by Great Britain; and as largely as it was the object of desire and of duty, it ought to be the object of remuneration when that duty was performed. But when this reward was sought in a particular form, under a special Act of Parliament, to be made operative to that purpose by a judgment of this Court, the Judge could not conscientiously give access to the boon, unless the law and the facts combined to give a legal title to it. He had now only to express, with a little more formality, the opinion already pronounced. The object of the present prosecution was substantially to obtain the bounties, or head-money, allowed by the liberality of the British Government for the seizure of every slave condemned as forfeiture under British Law.

Captain Sandilands interposed, that this was not the only object of the prosecution. The Judge complained of this interruption. While the case was under argument every opportunity and every facility had been given to the prosecutors to state all that they might conceive material to their interests; but the judgment, when in course of delivery, must not be deranged by interpositions of this nature. The prosecution was, in reality, for the bounties, because, although the condemnation of slaves, as forfeiture, was designed to be the means of the consignment of them to the benefits of the provisions established for the maintenance and instruction of negroes so liberated; and although that condemnation was, generally speaking, a primary step to found a title to those benefits, the fact was, that in the present case those benefits had been already attained, without that previous form, by the admission of the negroes, comprehended in this information, to the full enjoyment of the advantages of the institutions established for liberated negroes, in the interior of this colony.

The condition of those negroes might possibly be still open to some arrangement between the Governments of Great Britain and France; but he was quite sure that no arrangement could be made or thought of which would go to deprive the negroes themselves of the benefits which they were now enjoying. This prosecution was, therefore, in effect, for the attainment of the bounties; but, in saying that, he did not mean that those bounties were sought under the impulse of any other than the fairest and most honourable motives. The prosecutors, he was sure, sought them, not for themselves alone, but for the officers employed subordinately under them, to whom they were naturally to be supposed to be of greater consequence, and for the seamen of their ships, to whom, although he was far from thinking them deficient in that noble spirit which prompted and enjoined the performance of duty without the impulse of pecuniary advantage, pecuniary reward must still be supposed matter of greater consideration, inasmuch as their sentiments were less refined by education, and their condition stood more in need of the comforts that a little money could supply. He had already expressed his wish that the bounties granted for the deliverance of slaves from the hands of those who unlawfully trafficked in them, should be equally granted, and paid in all instances in which that deliverance was accomplished; but as the law stood at present, and according to his impression of the due sense and meaning and intention of the act of parliament upon which this prosecution was founded, he could not declare those slaves liable to condemnation as forfeit to the British Crown. Looking to the time when this act of parliament was passed—to the circumstances in which the slave-trade stood at the time,—he thought it impossible that the Legislature could have contemplated the forfeiture of slaves in the possession of foreign proprietors, and previously paid for by those proprietors,

proprietors, merely because they had bought them from British subjects, even though these British subjects should be resident beyond the range of any British territorial authority. That act was passed at a time when the great general measure of the abolition was yet in a state of arduous contention, and when it was matter of importance to clip and pare down, to scrape and nibble away, the evils of the traffic gradually, and by small portions, till the attainment of the great general measure should be matured. In these views, and under these circumstances, the Act 46 Geo. III. cap. 52, was passed for the purpose of preventing British capital, British shipping, and British agency from being employed in supplying slaves to foreign possessions: but this was to be done, so far as the forfeiture of slaves, by the forfeiture of slaves being British property, for to render slaves which were foreign property, liable to forfeiture merely because they had been previously sold or embarked by British subjects. The transaction not being implicated with any territorial violation, appeared much too bold a stride to be meditated by the framers of the Act, and much too bold to be admitted by the Legislature, inasmuch as it went altogether to overstep the bounds of national right. He was therefore of opinion, that a judgment of forfeiture could not be pronounced in this case, as the slaves, although sold and embarked by a British subject, were, after the embarkation, altogether the property of the French master, and as the transaction did not comprehend any territorial violation in any part of it. Perceiving, however, that this decision was not satisfactory to the seizers, who might yet be deterred from seeking to reverse it by appeal, from the circumstance of not having any opposite party, and, therefore, being themselves liable to pay all the costs, without any prospect of relief by throwing them eventually upon others, he would take a course which would have the effect of bringing his judgment under revisal, with every fact and argument urged in opposition to it; and with every consideration which had occurred to himself to render it doubtful, while he was making up his mind upon it; not omitting the existence of the contrary decision by Mr. Thomson. The superior authorities at home would then have the most ample means of discerning whether his decision was correct or incorrect; and he should accompany the reference with a request, that in the event of the judgment appearing erroneous, proceedings may be taken to have it reversed by consent, so that the seizers may be let into possession of the bounties without any additional expense.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

The grounds of doubt were these:

First.—Because the facts and circumstances of the present case were so very near what the Judge would have himself considered sufficient grounds for pronouncing a forfeiture incurred; that the determination could not, even in his own mind, stand on the clear and unquestionable foundation that could be wished.

Second.—The Act of Parliament 46 Geo. III, cap. 52, is, in the second section, expressed in terms that might be construed to intend that all slaves shipped by British subjects should be forfeited absolutely and unconditionally; and that the limitation contained in the words, “so far as any of His Majesty’s subjects, or any person resident as aforesaid, have or hath any property, share or interest therein,” is applicable only to the ships or vessels in which the said slaves shall have been embarked.

Third.—Because this last-mentioned construction is judicially sanctioned by the decision of Mr. Thomson in the case alluded to; and because the record of that decision having been found since the trial and judgment above recited, is considered by the prosecutors to give strength to their case, although the Judge has not seen any thing in it to induce him to revise his judgment.

(Enclosure.)

List of papers found on board the French slaving schooner *La Marie*, captured by H. M. S. *Morgiana*, on the 25th of January 1820, at an anchor off the Galinas.

- No. 1 Log book
- 2 Register
- 3 Register
- 4 List of the crew—*Rol d’ Equipage*
- 5 Manifest of the cargo
- 6 ——— St. Pierres
- 7 ——— from St. Thomas’s

Enclosure
(N^o 3.)
in Governor Mac
Carthy’s letter to
Earl Bathurst, dated
13th June 1820.

No. 8 Receipt

PAPERS RELATING TO THE

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

- No.—8 Receipt for payment of duties upon papers, sundry papers
9 Instructions dated 21st August 1819
10 ——— - dated 24th December 1819
11 Invoice of the cargo received at Martinique and at St. Thomas's
12 Account of schooner's cargo delivered to J. O. Kearney, per agreement
13 List of divers articles delivered to Mr. O. Kearney
14 Disbursements at St. Thomas
15 Acknowledgment from Mr. O. Kearney to pay in slaves for articles delivered
by captain Guion
16 Receipt for divers articles of merchandise delivered to Mr. O. Kearney for
Mr. Siacca
17 Articles of agreement on the part of Mr. O. Kearney and the captain of the
schooner
18 Letter from Mr. O. Kearney to the captain of the schooner, Mr. Cleveland,
to superintend landing cargo
List of papers found on board, but do not seem to belong to the vessel
No. 1 to 11 inclusive
19 List of schooner's papers

Alexander Reach, purser of H. M. S. Morgiana, maketh oath that the paper attached to this, intitled "A list of papers found on board the French slaving schooner La Marie, captured by H. M. S. Morgiana, on the 25th January 1820, at anchor off the Galinas," is his writing, the whole and every part thereof. The said deponent further saith, that the list hereunto annexed is the rough list made out by him; and he further saith, that he, the said Alexander Reach, saw every paper mentioned therein.

Sworn before me, (Signed) *Alex. Reach.*
this 21st of May 1820.
(Signed) *Edw. Fitzgerald, J. V. C.*

Enclosure
(N^o 4.)
in Governor Mac
Carthy's letter to
Earl Bathurst, dated
the 13th June 1820.

No. 15. (Enclosure.) Galinas, 9th Dec. 1819.
Je doit au capitaine Guiot trois prime esclaves pour vingt-six fusils; et un autre
pour deux Espignole.
(Signed) *J. O. Kearney.*

Enclosure
(N^o 5.)
in Governor Mac
Carthy's letter to
Earl Bathurst, dated
the 13th June 1820.

(No. 16)	(Enclosure.)	
1300 Galls. Rum - - - - -	1 G. p ^r 1 B	- - 1300
313 Bar de fer de 4 or 6 p ^d - - - - -	1 - - - - -	- - 313
1683 Livres de Tabac en feuille - - - - -	3 ^{lb} - 1 - - - - -	- - 561
150 Marmittes - - - - -	3 - - 2 - - - - -	- - 100
145 Fusils - - - - -	- - - - - 12 - - - - -	- - 1740
20 Douzaine Miroir - - - - -	- - - - - 3 - - - - -	- - 60
20½ - - - Coutelas - - - - -	1 - - 1 - - - - -	- - 246
148 piece Mouchoires de 12 a la p ^e - - - - -	- - - - - 6 - - - - -	- - 888
53 - - - - -	- - - - - 8 - - - - -	- - 318
984 Aune de Colonade - 3 ^{anne} - - - - -	- - - - - 1 - - - - -	- - 328
1000 pierre a fuzil - - 100 - - - - -	- - - - - 1 - - - - -	- - 10
61 Douzaine Couteaux Flamand la doz ⁿ - - - - -	- - - - - 3 - - - - -	- - 180
44 Baril de Poudre de 25lb. - - - - -	- - - - - 30 - - - - -	- - 1320
140 Piece de Nicannes 12y ^d - - - - -	- - - - - 5 - - - - -	- - 840
50 Ditto Camboys - 12 - - - - -	- - - - - 6 - - - - -	- - 300
100 Custas de Chine - 8½ - - - - -	- - - - - 3 - - - - -	- - 300
200 Check Chillas - 6¼ - - - - -	- - - - - 2 - - - - -	- - 400
80 Guinees blues - 20 a 2 - - - - -	- - - - - 9 - - - - -	- - 720
100 Ditto - Ditto - 12 - - - - -	- - - - - 4 - - - - -	- - 400
100 Ditto Gingham - 9 - - - - -	- - - - - 3 - - - - -	- - 300
125 Ditto Mouchoir Sooty - - - - -	- - - - - 5 - - - - -	- - 625
70 Kermitches - 10 - - - - -	- - - - - 3 - - - - -	- - 210
150 Gillas - - - - 8 - - - - -	- - - - - 6 - - - - -	- - 900
400 Livres Corries - 2 livres p ^r - - - - -	- - - - - 1 - - - - -	- - 200

SUPPRESSION OF THE SLAVE TRADE.

25

Sir, (No. 18.) Galinas, 26th Nov. 1819. Communications received at the Colonial Office from the Gov. of Sierra Leone.

You will please to get your vessel nearer the Bar, to expedite the landing of the cargo; you will also put what quantity of goods the boat and canoes can safely carry in them, and send an officer to deliver the goods to Mr. Cleveland, who will wait at the Kroomens place to receive them.

Your's, &c.
(Signed) J. O. Kearney.

To captain Guiot,
Schooner Marie.

(Enclosure.)

(No. 17.) Galinas, 25th Nov. 1819.

Articles of Agreement drawn up between J. O. Kearney and Mr. Sheacka, on the one part, and captain Guiot, of the schooner La Marie, on the other part. Enclosure (N° 6.) in Governor Mac Carthy's letter to Earl Bathurst, dated 13th June 1820.

The said Mr. Sheacka and J. O. Kearney do agree to pay unto captain Guiot one hundred and five slaves, none to be under four English feet, and to be as equally proportioned, men, women, boys and girls, as can be.

The said captain Guiot does agree to pay the whole of his cargo for the said slaves as per pacture.

The whole of the above to be paid within forty-two days from the date hereof.

(Signed) J. O. Kearney.
for Sheacka.

(Signed) J. O. Kearney.
Vⁱⁿ Guiot.

(Signed)

(Enclosure.)

Colony of } In the Court of Vice-Admiralty, Henry John Leeke, esquire, com-
Sierra Leone. } mander of H. M. ship of war Myrmidon, and Alexander Sandilands, esquire, commander of His Majesty's ship of war Morgiana; Enclosure (N° 7.) in Governor Mac Carthy's letter to Earl Bathurst, dated the 13th of June 1820.

Against,
Divers men, women and children, slaves, natives and inhabitants of Africa.

Interrogatories to be put to Thos. Carew, on the part of seizers.

- First.—What are you?
Second.—How long have you resided in this colony?
Third.—Where did you reside before?
Fourth.—Are you acquainted with J. O. Kearney?
Fifth.—How long have you known him?
Sixth.—Have you seen him write?
Seventh.—Are the four papers now shown you of the hand-writing of the said J. O. Kearney, or which of them, or what part or parts of them?
Eighth.—Was not the said J. O. Kearney a commissioned officer in the royal African corps some time since?
Ninth.—Is the said J. O. Kearney, a British subject, and where was he born, to the best of your knowledge and belief?

Free Town, Sierra Leone, 12th March 1820.

(Signed) D. M. Hamilton.

(Enclosure.)

The examination of Thomas Carew, esq. of Sierra Leone, on special interrogatories, a witness produced and sworn on the part of seizers. Enclosure (N° 8.) in Governor Mac Carthy's letter to Earl Bathurst, dated 21st June 1820.

- First answer.—A British merchant.
Second.—Two years and four months.
Third.—In the Island of Goree.
Fourth.—Yes.
Fifth.—About two years.
Sixth.—Yes.
Seventh.—The three papers numbered fifteen, sixteen and seventeen, are to the best of my belief, his hand-writing, to the exception of the numbering and indorsement thereon; and the letter addressed to captain Guiot, in No. 18, is also his hand-writing,—of which paper the invoice inserted is not his hand-writing.

Eighth.—

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

Eighth.—I believe he was.

Ninth.—He is a British subject ; and I believe he is a native of Ireland.

(Signed)

Thomas Carew.

Taken and sworn before me, this 13th day
of March 1820

(Signed)

W. Walsh,

Registrar V. A. C.

(Enclosure.)

Enclosure
(N^o 9.)
in Governor Mac
Carthy's letter to
Earl Bathurst,
dated the 21st June
1820.

Colony of Sierra Leone. } In the Court of Vice-Admiralty, Henry John Leeke, esq., commander
of H. M. S. of war Myrmidon, and Alexander Sandilands, esq.,
commander of H. M. S. of war Morgiana,—

Against,

Divers men, women, and children, slaves, natives and inhabitants of Africa.

Interrogatories to be put to Joseph Reffelle on the part of the seizers.

First.—What offices do you hold in this colony?

Second.—Are you acquainted with J. O. Kearney?

Third.—Was J. O. Kearney employed subordinate to you in the captured negro department?

Fourth.—When, and for what length of time?

Fifth.—Did you correspond with him relative to the official business of the department ; and have you seen him write?

Sixth.—Are the four papers now shown you of the hand-writing of the said J. O. Kearney, or which of them, or what part or parts of them.

Seventh.—Is the said J. O. Kearney, a British subject, and where was he born, to the best of your knowledge and belief?

Eighth.—How long has the said J. O. Kearney resided in this colony?

13th March, 1820.

(Signed)

D. M. Hamilton.

(Enclosure.)

Enclosure
(N^o 10.)
in Governor Mac
Carthy's letter to
Earl Bathurst,
dated the 21st June
1820.

The Examination of Joseph Reffelle, Esquire, of Freetown, Sierra Leone, on
Special Interrogatories, a Witness produced and sworn on the part of the
seizers.

Answer First.—Chief Superintendent of captured Negroes ; that of Sheriff for this year, and a Magistrate of the Colony.

Second.—Yes.

Third.—Yes.

Fourth.—During the Years 1817, 1818 and 1819, altogether perhaps two Years.

Fifth.—Yes, I did, and have seen him write.

Sixth.—The Papers numbered fifteen and sixteen, to the exception of the numbering and indorsement, I believe to be his hand-writing ; the paper numbered seventeen I believe also to be his hand-writing, to the exception of the signature " V^m. Guiot," and the numbering and indorsement thereon ; the paper, number eighteen, containing a letter addressed to captain Guiot, is also his hand-writing, but the invoice on the same is not written by him.

Seventh.—He is ; was born in Ireland.

(Signed)

Joseph Reffelle.

Taken and Sworn before me, this 13th day of March, 1820.

(Signed)

T. O. Walsh, Registrar.

(Enclosure.)

In the Vice-Admiralty Court, Sierra Leone.

Interrogatories to be put to Charles Gilman.

First Interrogatory.—Do you belong to the schooner Mary? If yes, in what capacity and how long have you belonged to her?

Second.—Were you present at the taking and seizing of the schooner Mary?

Third.—Upon what pretence, or for what reason, was she seized?

Fourth.—

Enclosure
(N^o 11.)
in Governor Mac
Carthy's letter to
Earl Bathurst,
dated the 13th June
1813.

SUPPRESSION OF THE SLAVE TRADE.

27

Fourth.—Were all the slaves put on board at one time, and by whom were they put on board?

Fifth.—To whom did the slaves belong?

Sixth.—Are Mr. Kearney and Mr. Williams in partnership, and which is the principal?

(Signed) *D. M. Hamilton*, King's Advocate and Proctor.

(Enclosure)

In the court of Vice Admiralty, Sierra Leone.

Answer to Interrogatories put to Charles Gilman, late a sailor on board the Schooner *Mary*, in the matter of certain slaves, natives of Africa.

Answer First.—Yes, as boatswain about five months.

Second.—Yes.

Third.—For having one hundred and six slaves on board.

Fourth.—Not at one time; they were brought on board in small numbers at each time; some were brought on board the captain's boat, and others by John Ouseley Kearney in his own boat.

Fifth.—Believes they belonged to John Ouseley Kearney or Mr. Williams, and the King, at the Gallinas.

Sixth.—Believes they are, and that Mr. Kearney is the principal.

(Signed) *Charles Gilman*.

Taken and sworn before me
this 10th day of April 1820.

(Signed) *T. O. Walsh*, Registrar.

(Enclosure)

Colony of }
Sierra Leone. } Personally appeared Charles Gilman, late boatswain on board the French schooner *La Marie*, who being sworn on the Holy Evangelists, maketh oath and saith, that to the best of his knowledge and belief, all the slaves that were on board the French schooner *La Marie* were brought on board in the boats belonging to John Ouseley Kearney; and that upon one occasion he actually conducted them himself, and that the boat or boats so employed were the actual and real property of the said John Ouseley Kearney: and he further declares that John Ouseley Kearney was frequently on board the schooner.

(Signed) *Charles Gilman*.

Sworn before me this 1st day of May 1820.

(Signed) *James Wood*, D^y Reg^r V. A. C.

(Signed) *Edw^d Fitzgerald*, J. V. C.

(Enclosure.)

Colony of }
Sierra Leone. } Personally appeared, John Thomas, a seaman on board the French schooner *La Marie*, who, being duly sworn upon the Holy Evangelist, maketh oath and saith, he frequently went for the slaves that were procured for the French schooner *La Marie*, for which purpose a boat belonging to John Ouseley Kearney, was employed, and that he believes the boat was marked with the name of the said John Ouseley Kearney on the stern, outside; that, with the exception of two small boys, all the slaves were so brought on board.

(Signed) *John ~~X~~ Thomas*,
his
mark.

Sworn before me, this 1st day of May 1820.

(Signed) *Edw. Fitzgerald*.

(Enclosure.)

Special Interrogatories put to Charles Gilman, late boatswain of the French schooner *La Marie*, by desire of the Judge.

First.—Had you, as boatswain of the *Marie*, opportunities of conversing with John Ouseley Kearney, and did you hold conversation with him?

Second

Communications received at the Colonial Office from the Gov. of Sierra Leone.

Enclosure (N^o 12.) in Governor Mac Carthy's letter to Earl Bathurst, dated 13th June 1820.

Enclosure (N^o 13.) in Governor Mac Carthy's letter to Earl Bathurst, dated the 13th June 1820.

Enclosure (N^o 14.) in Governor Mac Carthy's letter to Earl Bathurst, dated the 13th June 1813.

Enclosure (N^o 15.) in Governor Mac Carthy's letter to Earl Bathurst, dated the 13th June 1820.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

Second.—Do you know, from what passed from that conversation, or have you reason to know from other sources, that John Ouseley Kearney was aware that the schooner *Marie* was a French vessel, or that she was bound to Martinique.

Third.—What reason have you to believe that the schooner *La Marie* was bound to Martinique.

(Enclosure.)

Answers to Special Interrogatories put to Charles Gilman, after having been duly sworn.

To the first interrogatory saith,

That he had opportunities of conversing with John Ouseley Kearney, which conversation related principally to the slave-trade and to the coast.

To the second interrogatory saith,

That he does not know whether John Ouseley Kearney was aware that the schooner *La Marie* was bound to Martinique; but believes that the said schooner was known to him to be a French vessel.

To the third interrogatory saith,

That the men on board the schooner shipped to return to Martinique, and that it was matter of conversation and opinion on board, that that was her destination.

(Signed) *Charles Gilman.*

(Enclosure.)

Sierra Leone.

COURT OF VICE ADMIRALTY.

ALEXANDER MACAULAY, Master of the brig letter of marque the *Minerva*, of London,

Qui Tam

against the schooner *Penel* and slaves, boats, guns, tackle, apparatus and furniture; before Thomas Perronet Thompson, governor of His Majesty's Colony of Sierra Leone.

BE it Remembered, that, on the eleventh day of August, in the year of our Lord 1809, Alexander Macaulay, master of the brig letter of marque the *Minerva*, of London, being a person duly and legally authorized to make seizures, and to prosecute the same; who, as well for our Sovereign Lord the King as for himself, in this behalf prosecutes, comes here, into the said Court of Vice-Admiralty, and gives the said Court to understand, and be informed that, after the first day of May 1807, to wit, on the 30th day of July, in the year of our Lord 1809, he, the said Alexander Macaulay, did, on the High Seas, and within the jurisdiction of this Court, seize the schooner or vessel, called the *Penel*, of which Jesse Porter was master, with all the boats, guns, cargo, tackle, apparel and furniture, and also eleven slaves and natives of Africa, in the said schooner or vessel, treated, carried, kept, dealt with, or detained as slaves for this, to wit, that the said vessel and slaves, or a part thereof, were at the time of the said seizure the property of a British subject or subjects of His Majesty, or were purchased from a subject or subjects of His Majesty; and moreover, that a greater quantity of arms were on board than are allowed to vessels of neutral powers: Whereupon he, the said Alexander Macaulay, as well for our Sovereign Lord the King as for himself, prays the advice of this Court in the premises, and due proof against the said schooner or vessel, and that the said schooner or vessel, her boats, guns, cargo, tackle, apparel and furniture, may, by the definitive sentence of this Court remain and be adjudged, forfeited, and to be divided in such a manner as is accounted and reputed liable and subject to confiscation, and to be adjudged and condemned as good and lawful prize to our Sovereign Lord the King, and that the same be adjudged and condemned as good and lawful prize to our Sovereign Lord the King, taken and seized by the brig letter of marque the *Minerva* of London, Alexander Macaulay, master, by this our definitive sentence or final decree, which we read and promulge by these presents. And forasmuch as we have not found or clearly discovered that the proctor of the said Court hath proved the remainder of his intention, to wit, that the said vessel and slaves, or any part thereof, were the property of any subject or subjects of His Majesty, at the time of the said seizure, or that a greater quantity of arms were on board than are allowed to the vessels of neutral powers, therefore, we, Thomas Perronet Thompson, governor of His Majesty's Colony of Sierra Leone, the Judge aforesaid,

first

Enclosure
(N^o 16.)
in Governor Mac
Carthy's letter to
Earl Bathurst,
dated 13th June
1820.

Enclosure
(N^o 17.)
in Governor Mac
Carthy's letter to
Earl Bathurst, dated
the 13th June 1820.

SUPPRESSION OF THE SLAVE TRADE.

29

first calling upon the name of Christ, and having God alone before our eyes, and having heard counsel, learned in the law, thereupon, do hereby pronounce, decree and declare, that it does not appear to us that the said vessel, or slaves, other than the eleven men, two women and five children, herein above mentioned, purchased from Samuel Jame, a British subject, were, at the time of the said seizure, the property of a subject or subjects of His Majesty, or were purchased of a subject or subjects of His Majesty, or that a greater quantity of arms were on board the said vessel than are allowed to the vessels of neutral powers, and that the said vessel, and the remainder of the said slaves, other than the said eleven men, two women and five children herein above mentioned, purchased from Samuel Jame a British subject, as such ought not to be accounted and reputed liable and subject to confiscation ; and that the said vessel, together with the said remainder of the slaves or natives of Africa, carried as slaves, other than the aforesaid eleven men, two women and five children, purchased from Samuel Jame, a British subject, be adjudged to be restored to the owner or claimant by this our definitive sentence and final decree, which we read and promulge by these presents.

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

This case was directed by the statutes in such cases made and provided ; and that the said slaves, natives of Africa, may, by the definitive sentence of this Court, remain and be adjudged forfeited to the use of our Sovereign Lord the King, according to the statutes in such case made and provided ; and the aforesaid Jesse Porter, being in that behalf duly monished and cited,

for that purpose by Kenilworth Macaulay, gentleman, marshal of the said Court of Vice-Admiralty, comes forthwith into the said Court of Vice-Admiralty, and saith, that for any thing above alleged, deduced, pleaded, propounded or set forth by the said Alexander Macaulay, as afore mentioned, the said schooner or vessel ought not in any wise to be detained, forfeited, or otherwise hurt, for that the above reasons so alleged deduced, pleaded, propounded or set forth by the said Alexander Macaulay, are altogether and in every respect false, and without due and legal proof, therefore he the said Jesse Porter also prays the advice of this Court in the premises, and that the said schooner or vessel, with her slaves, boats, guns, tackle, apparel and furniture, may, by the definitive sentence of this Court, be released and restored to him the said Jesse Porter, for and in the behalf of the said owner or owners of the said schooner : Whereupon we, Thomas Perronet Thompson, Governor of His Majesty's Colony of Sierra Leone, and in the Court of Vice-Admiralty for the time being Official President and Chief Judge thereof, having heard and seen and understood, and fully and maturely discussed the merits and circumstances of the aforesaid cause or business respecting the seizure of the schooner Penel, whereof Jesse Porter was master, her slaves, boats, guns, tackle, apparel and furniture, seized and detained by the brig letter of marque, the Minerva, Alexander Macaulay, master, and brought to the bay or road of Sierra Leone, which was lately and still is suspending before us, on the part and behalf of the said Alexander Macaulay, against the said vessel, her slaves, boats, guns, tackle, apparel and furniture, and against all persons in general who have, or pretend to have any right, title or interest therein, and we rightly and duly proceeding therein, and the Proctor of the said Court of Vice-Admiralty, appearing before us, and praying sentence to be given, and justice to be done, having first inquired into and duly considered the whole proceeding had and done before us in the said business, and having observed what by law ought to be observed in this behalf, have thought fit, and do think fit thus to proceed to the giving and promulging this our definitive sentence, or final decree in the said business, in manner and form following, that is to say, Forasmuch as we have by the Acts enacted, deduced, alleged, pleaded, propounded, and proved in the said business, found and clearly discovered that the Proctor of the said Court of Vice-Admiralty hath in part founded and proved his intention, to wit, That eleven men, two women and five children, of the aforesaid natives of Africa, carried, conveyed, treated, dealt with, kept or detained as slaves, were purchased from Samuel Jame, of the Rio Pongos, the said Samuel Jame being a natural born subject of Great Britain, and that nothing has been alleged, excepted, pleaded, deduced, propounded or proved by any persons whatsoever, which may or can in any way defeat, prejudice, or weaken the intention of the said Proctor herein ; therefore we Thomas Perronet Thompson, Governor of His Majesty's Colony of Sierra Leone, the Judge aforesaid, first calling upon the name of Christ, and having God alone before our eyes, and having heard counsel learned in the law thereupon, do hereby pronounce, decree and declare that the said eleven men, two women and five children, slaves or natives of Africa, treated, carried,

Communications
received at the
Colonial Office
from the Gov. of
Sierra Leone.

kept or detained as slaves on board the said schooner Penel, were, as far as appears to us, purchased from one of His Majesty's subjects, and as such ought to be
was read, signed and promulgated by the Judge aforesaid, upon the 12th day of August, in the year of our Lord 1809, in the Canvas House, in George Town, in the colony of Sierra Leone, being the place where the general quarter sessions of the peace for the said colony are wont to be holden, in the presence of the two credible witnesses named in the Act of Court.

(Signed) T. P. Thompson, Governor.

Which we attest,

(Signed)

G. S. Caulker, Dep. Reg^r.

W. Macaulay, Marshal.

(Enclosure.)

Reasons for Judgment.

Enclosure
(N^o 18.)
in Governor Mac
Carthy's letter to
Earl Bathurst, dated
13th June 1820.

There appears to be no proof that the vessel and cargo are British property. The owner, John Imlay, is stated to be an American by birth, and a burgher of Saint Bartholomew; and this is not contradicted in the bill of sale. Also John Imlay is stated to be a burgher, merchant and inhabitant of the island of Saint Bartholomew. Under this bill of sale appear the seals and signature of two public functionaries in the island. The master has stated that eighteen of the slaves were bought of Mr. Samo, in the Rio Pongas; and it has been proved that Mr. Samo has declared himself to be by birth a British subject. The eighteen slaves bought from Mr. Samo are therefore liable to be forfeited by the second clause of the Non-Importation Act. I apprehend that in that clause the words, "as far as any of His Majesty's subjects, or any person or persons resident as aforesaid, have or hath any property, share or interest therein," do refer to the ship or vessel, boats, guns, tackle, apparel and furniture only, and not to the slaves unlawfully exported, transported, &c.; for the words "exported, transported," &c. do of themselves imply that the slaves had been removed, and are found at sea; in which circumstance it is to be supposed, that the slaves are the property, and at the sole risk of the owner or owners of the vessel conveying them to some foreign plantation. The clause also plainly implies a tenderness for the neutral owner, inasmuch as it directs the forfeiture of no part of the vessel or furniture, but such as belong to His Majesty's subjects; and hence it may be concluded that no part of the slaves found on board are forfeited, except such as were purchased from a British subject at the port of sailing.

(Enclosure.)

Answer to the 12th standing interrogatory.

Enclosure
(N^o 19.)
in Governor Mac
Carthy's letter to
Earl Bathurst, dated
13th June 1820.

Answer 12.—Slaves put on board by Mr. Sabb and Mr. Sammo, who have factories in the Rio Pongas. Believes Mr. Sabb to be an American. Does not know what countryman Mr. Sammo is. Mr. Sammo, he thinks, has lived there ten years. Slaves delivered on account of John Imlay to the supercargo. Mr. Sabb and Sammo have no further interest in the slaves. Slaves were paid for. Cargo, if arriving at destined port, would belong to John Imlay, and no one else.

PAPERS RELATING TO THE SUPPRESSION
OF THE SLAVE TRADE :

VIZ:

RETURN to an Address from the Honourable the
House of Commons to His Majesty, dated 6th
February 1821 ; *for*

Copies or Extracts of all Communications received
at the Colonial Office from Sir CHARLES MAC
CARTHY, Governor of *Sierra Leone*, since the
1st of January 1819, on the subject of the
SLAVE TRADE.

Ordered, by The House of Commons, to be Printed,
30 March 1821.
