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Class B.

CORRESPONDENCE

WITH

THE BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANNAH,
RIO DE JANEIRO, AND SURINAM,

RELATING TO

THE SLAVE TRADE.

1822. 1823.

Presented to both Houses of Parliament, by Command of His Majesty,
1823.

LONDON:

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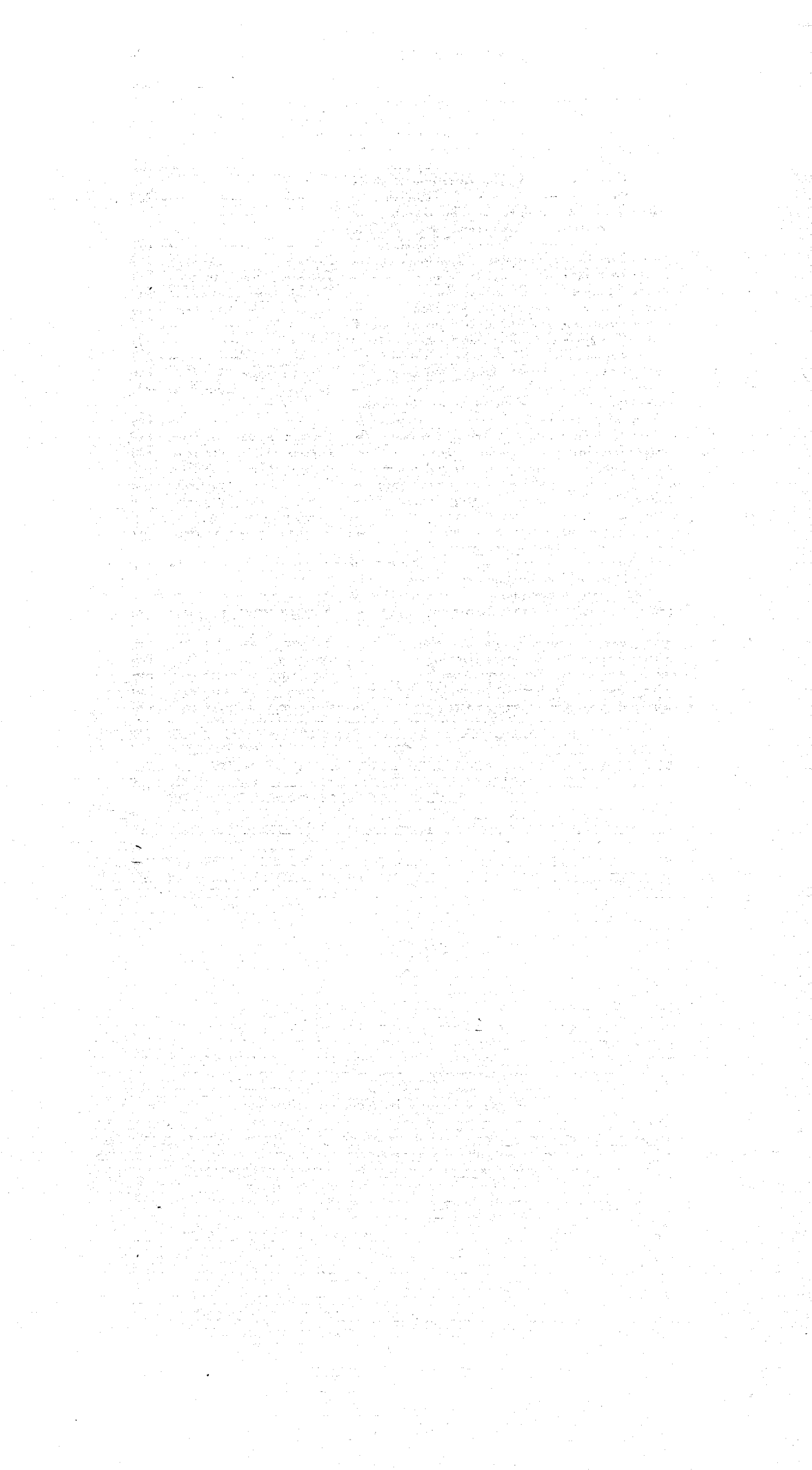
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CORRESPONDENCE

WITH

THE BRITISH COMMISSIONERS.

SIERRA LEONE.---(*General.*)

No. 1.

*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry —
(Received July 19.)*

MY LORD,

Sierra Leone, April 30, 1822.

IN the very general notice for the year recently terminated, which we had the honour to address to your Lordship on the 10th of January last, in explanation of the Report of the state of the Slave Trade, dated the 5th of January 1821, no mention was made of the foreign cruizers employed on the coast in the course of that year to counteract and restrain the Slave Traders of their respective nations.

We consider it a matter of duty now to supply that omission, and to add some further facts which appear material to a correct understanding upon the general subject.

The French armed schooners, *Momus* and *Iris*, shewed themselves in this harbour on the 13th of May 1821, and sailed in two days after with the professed intention of going down the coast in search of French Slave traders; but no intelligence has been received of their having taken any, although the reports current in the Colony at the time of their departure stated, that ships bearing the French flag were to be found in all the known stations, trading openly for Slaves.

So far as the immediate information of this place extends, these two schooners formed the whole of the French cruizing force sent to the southward of the Bissagos in the year 1821, and this was the whole range and effect of their operations.

Accounts from Goree have, however, stated that His Most Christian Majesty's brig *Le Huron*, bearing the broad pendant of Monsieur Du Plessis, who commands the French squadron on the coast, went down to the Bight of Benin without approaching Sierra Leone. This Officer, it is understood, detained in the course of his cruize a French vessel charged with violating the French laws prohibiting the Slave Trade, which vessel the Judicial Administration of Senegal refused to condemn.

Monsieur Du Plessis came into Sierra Leone, in the *Huron*, on the 1st of February in the present year, and sailed again on the 7th of the same month, having prolonged his stay some days with the declared design of conferring with Commodore Sir Robert Mends, and of taking advantage of any suggestion which Sir Robert might communicate for the purpose of rendering his cruize more effective.

Captain Du Plessis before he entered the harbour of Sierra Leone, had gone down the coast, in the month of January, as far as Cape Mount, and had

examined several French ships, without detaining any. It appears that the French national law gives the right of seizure only in the event of Slaves being found actually on board, or at least that this limitation is established in practice under that law. Captain Du Plessis when he sailed hence in February, proposed to return to the same stations in the hope of finding some of these vessels with Slaves actually embarked. It has been ascertained by the log-book of *La Dichosa Estrella*, a shipwrecked prize of His Majesty's ship *Morgiana*, and also by the log-book of the schooner *Joseph*, a professed Swedish schooner, brought in by Lieutenant Clarkson of the *Iphigenia*, that both these vessels were visited by Commodore Du Plessis off the Gallinas, on the 12th and 13th of February; but the time that has elapsed without advice of any actual detention being made by that Commodore, gives us reason to think that he has not made any.

The American cruising force on the coast, in the year 1821, was reduced to a single armed schooner. The *Alligator*, a vessel of that class, anchored here on the 13th of May 1821, at the same time with the French schooners *Momus* and *Iris*, and sailed a tide or two before them. The *Alligator* made some captures, the ostensible character of some of the vessels detained by her was not American. Considerable attention was, consequently, directed to the determination respecting them. It was at first reported that all the vessels thus taken were condemned by the American Courts; but subsequent information has corrected this statement, and it appears, that some or all of these vessels, not of American character, have been restored.

The *Alligator* was succeeded on the station by the *Shark*, a vessel of the same class. The *Shark* was in this harbour about the close of the year 1821, and again in the commencement of the year 1822: she had not made any captures.

On the departure of the *Shark* from the coast, a midshipman and a few men belonging to her were left in a small schooner, named the *Augusta*, to assist the Settlement for American coloured people proposed to be established near Cape Mesurado. The presence of this detachment has given occasion for the junction of a British detachment with it from the *Iphigenia*, commanded by Lieutenant Clarkson. A schooner, named the *Joseph*, assuming a Swedish national character, was detained and brought in here early in the month of March, by the *Augusta*, having these joint detachments on board. Proceedings on charges of Slave trading, were, in the first instance, instituted against the *Joseph* in the Court of Vice Admiralty, on the grounds of British property or interest and British outfit; these allegations were not sustained in evidence, consequently the jurisdiction of the Judge could not reach the case. But as some prominent facts gave ground to believe, that an examination upon the standing interrogatories, would be effectual in eliciting the means of a conviction in the British and Spanish Court of Mixed Commission, it was recommended from the Bench that a suit should be instituted in that Court; these proceedings have been commenced accordingly.

The detention of the schooner *Joseph* took place while Sir Robert Mends was in this harbour, and within the range of communicating with his detachment in a short time; but questions of some difficulty may arise in the event of the detention of any vessel by the detachment, while the *Iphigenia* is at the further extremity of the coast.

These details comprehend the whole of the information which we have to communicate respecting the foreign cruisers on the coast, and their operations since the 5th of January 1821.

The additional facts and circumstances which we have to bring under your Lordship's notice are these:

His Majesty's Commissioners while engaged in the investigation of the case of the Spanish schooner *Rosalia*, detained by Lieutenant Hagan of His Majesty's brig *Thistle*, in the Rio Pongos in the month of January, were informed

by that Officer that this vessel had come to that river, in this instance, for the purpose of closing an account of Slave dealing which had remained unsettled from the preceding year. This, Lieutenant Hagan said he had ascertained in the river, and the limited cargo brought by the *Rosalia* in her present voyage, consisting only of a few bales of cloth and some boxes of tobacco, appears to confirm that statement.

More recently still, in a special visit of search, in which the creeks of that river were examined by the boats of His Majesty's ship *Pheasant*, conducted by Lieutenant Stokes, of His Majesty's brig *Snapper*, under particular instructions from Captain Clavering, it was ascertained that no Slave-trading vessel had been in any part of the river during the last three months. This period would comprehend the whole interval from the time of the capture of the *Rosalia* in the early part of the month of January.

Communications received in the Colony, from nearly the whole of the Chiefs, concur in expressing a desire to be secured in the enjoyment of the property which they have already realized; and to be permitted to carry on peaceful and legitimate commerce under British protection. The best assurance of the sincerity of these professions is to be found in the knowledge of the state of constant disquiet in which the factories of the river are placed, by the visits of the cruizers in search of Slave ships. A definitive arrangement is now considered likely to be effected within the present year. In the interval the Chiefs seem disposed to recommend themselves to favourable opinion, by a conduct suited to the relation in which they desire to place themselves with respect to this Colony.

The Rio Nunez, which for some years prior to the present time, had not been visited by any British armed vessel, was in the course of the *Pheasant's* cruise specially examined by the boats of that vessel. The Officer commanding the boats, following Captain Clavering's instructions, ascended the stream of the Rio Nunez as far as it was practicable for his boats, being considerably above an hundred miles, without finding a vessel of any description engaged in the Slave Trade. We are sorry, however, to have to state that Captain Clavering obtained intelligence of the sailing of a vessel, named the *Apollo*, from Cacheo or Bissao with a cargo of Slaves, which were in train of collection for her, when the *Conde de Villa Flor* was brought off from Bissao by the boats of the *Iphigenia*.

This fact, together with the antecedent proof of the abuses practised in those places, as disclosed in the mass of papers found on board of the *Conde de Villa Flor*, will be sufficient to shew to the Portuguese Government the necessity of a total reformation of the Settlements of Bissao and Cacheo.

In connection with the general subject and view of this communication, it seems proper to notice the termination of a petty warfare between two Chiefs named Sanassec and Almami Amurath, residing on the coast between the Rio Pongos and the Rio Nunez. This petty warfare had lasted for some years, without much bloodshed, but with considerable vexation, by the stoppage of the usual intercourse between the interior of the country and the commercial towns on the sea-side. The Solima nation consequently interfered, and a force of near ten thousand men, under the command of a Chief named Yarradi, brother of the King of the Solimas, came down at the instance of one of the contending parties, Almami Amurath; but, as the result would appear to indicate, influenced by the spirit of impartial pacification.

Although this Chief dictated his terms with the absolute authority of an unresisted conqueror, he used his power with rare moderation and disinterestedness. The point which we have to notice more particularly is, that he did not exact or carry off any considerable number of Slaves; for, notwithstanding his general moderation and forbearance, we conceive that he would scarcely have abstained from following the usage of the country in this respect, if the temptation of an active Slave Trade, and a ready market upon the

adjacent coast, presented the inducements of former times, to levy contributions in that form.

In laying these facts before your Lordship, we are not so much influenced by the desire of maintaining any opinion previously advanced by us, nor of offering any present opinion, as we are by the wish of affording, in existing matters of fact, grounds to ascertain, jointly with the actual extent of foreign co-operation, whether any progress has been made through the system of the Treaties of Mixed Commission towards the repression of the Slave Trade.

While the Foreign Colonies afford profitable markets for the sale of Slaves, the attainment of that object will necessarily be in a great measure local in its commencement, and gradual in its advances; and if it has not made some advance in the country adjacent to this Colony, and under the immediate operation of the various interests of trade and policy, by which the Native Chiefs and their people are connected with the Colonial Government and the Colonial Merchants and Inhabitants generally, it cannot be supposed to be in a better train in places less favourably circumstanced.

We will not disclaim a disposition to hail with alacrity any approach towards the termination or material diminution of the crimes and horrors connected with the Slave Trade upon any part of the coast of Africa, however limited; but in proportion as we value that reformation, we would be unwilling to assume it to ourselves on insufficient grounds, and the prior caution which we would be induced to exercise in that respect, must necessarily be strengthened by the duty of carefully weighing what we communicate to your Lordship, as the result of our settled observations upon the matters of fact brought under our view in the discharge of our official duties; and collected in the range of our immediate researches and enquiries.

We have the honour to be &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 2.

The Marquess of Londonderry to the British Commissioners at Sierra Leone: (and those at Rio de Janeiro, the Havannah and Surinam.)

GENTLEMEN,

Foreign Office, May 17, 1822.

I FURNISH you herewith, for your information, and that of the other gentlemen of the Commission of which you are members, with the copy of a letter, dated the 2d of April 1822, from the Secretary to the Admiralty, to one of the Under Secretaries for this department, by which you will perceive that there will be in future only *Two* Signatures of the Lords Commissioners of the Admiralty to the Instructions issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

I am, &c.

(Signed)

LONDONDERRY.

*His Majesty's Commissioners at Sierra Leone, Rio de Janeiro,
The Havannah, and Surinam.*

No. 3.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, November 26, 1822.

IN reference to your despatch of the 7th of June 1821, stating the departure of M. Le Fer from Sierra Leone, whereby the Commission, of which you are members, was left without a representative on the part of Spain,—I have to send to you for your guidance,—1. the copy of a despatch, addressed, on the 22d February 1822, by the King's command, to His Majesty's Ambassador at the Hague, Minister at Madrid, and Chargé d'Affaires at Lisbon, proposing that the provisions of the Slave Trade Treaty, for the case of the death of one or more of the Commissioners, shall extend to the case of vacancies occurring in the Commissions from illness, or absence on leave. 2dly, I send to you the copy of a despatch, dated the 17th of June 1822, from His Majesty's Minister at Madrid, expressive of the willingness of that Court to adopt the proposed extension of the provisions of the Treaty. 3dly, the extract of a despatch, dated the 27th of June 1822, likewise from His Majesty's Minister at Madrid, stating, that the Spanish Minister had promised that orders to the effect above mentioned should be sent out without delay to the Commissioners of His Catholick Majesty. 4thly, the copy of a despatch, dated the 6th of April 1822, from His Majesty's Chargé d'Affaires at Lisbon, together with its inclosure, signifying the readiness of the Portuguese Government to sign an Article to the effect suggested. 5thly, the copy of a despatch, dated the 10th of May 1822, from His Majesty's Minister at the Hague, and of its inclosure, stating the acquiescence of the King of the Netherlands in this proposition. And, 6thly, I furnish you with the copy of an Instruction which I addressed, on the 25th September 1822, by the King's command, to His Majesty's Envoy at Madrid, and Ministers at Lisbon and at the Hague, inclosing a project of an Additional Article for sanctioning, in a formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in taking His Majesty's pleasure for forwarding the same to you for your guidance.

In the mean time you will endeavour to come to an agreement with your fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 4.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received February 14, 1823.)

MY LORD,

Sierra Leone, September 10, 1822.

WE have had the honour to receive your Lordship's despatch, dated the 17th of May last, inclosing the copy of a letter addressed, under date of the 2d of April, by the Secretary to the Admiralty to one of His Majesty's Under Secretaries for the Foreign Department, by which we perceive that there will be in future only two signatures of the Lords Commissioners of the Admiralty to the Instructions to be issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

We shall inform the Foreign Members of the Commissions of this change regarding the authentication of the Instructions to British cruizers under the Treaties. And we have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c. &c. &c.

No. 5.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received February 14, 1823.)

MY LORD,

Sierra Leone, September 20, 1822.

IN obedience to the instructions conveyed in your Lordship's letter, dated March the 10th, that we should continue to transmit to your Lordship, from time to time, Reports of the state of the Slave Trade, founded upon the most authentick intelligence that our situation enables us to collect; we have the honour to submit the substance of the information obtained by us on that subject, subsequent to our despatch of the 30th of April.

Considering the coast in three divisions, as before, we have no information of any Slave Trade in the division to the northward of this Colony, further than that we understand that Lieutenant Hagan, in a visit to Bissao and Cacheo about the middle of September, was informed that the Apollo, already noticed in our communications, and especially in our Report of the 30th of April, carried off a full cargo of Slaves as then mentioned; and that another vessel carried off a full cargo since that.

From the Rio Pongos our information is positive and certain. No Slave ship has been in that river since the capture of the Rosalia, on the 11th of January last, by His Majesty's brig Thistle, Lieutenant Hagan. Francisco Freire, the Pilot of that vessel, to whom the command of the vessel and the management of the trade devolved on the death of the original Master, is still in the river, residing at the factory of John Ormond, of Bangaben, not having yet found an opportunity to depart. If the opportunity of a Slave-trading vessel should present itself, there cannot be a doubt that the Slaves retained of those collected for the Rosalia would be shipped off on board of her, for only a certain number of these Slaves, (sixty,) and these of inferior class, were delivered up to Lieutenant Hagan. There is as little doubt that Ormond would readily supply as many others as might be wanted to complete a cargo; for he avows his present abstinence from the trade to be the consequence merely of want of opportunity to dispose of Slaves.

The other chief traders on the river, more particularly William Lawrence and Lightburn, are strong in professions of having altogether abandoned the trade, with a determination not to return to it under any circumstances, but to pursue the fair course of legitimate industry and commerce as planters and general merchants. They declare further, that they find their profits in this course satisfactory and encouraging; and they speak in high terms of the tranquillity that they enjoy in being released from apprehension of the cruizers, and in the consideration of being assured of the protection of the British arms.

These converts from the Slave Trade are, however, but newly entered on this virtuous course, and no secure reliance can be placed on their professions unless they are guarded from relapse, and from the temptations of opportunity for Slave Trade, by frequent returns of British cruizers to the river.

William Lawrence, who resides at Dominge, at the entrance of the river, has been recently at Sierra Leone.

The objects of William Lawrence's visit to Sierra Leone were to recommend himself to British protection, and to make arrangements for a regular commercial intercourse with the Colony. He succeeded in both objects, which necessarily implies a full assurance of his abandonment of the Slave Trade.

William Lawrence left Sierra Leone to return to his residence at Dominge towards the end of August; he carried with him a large stock of coffee plants supplied from the Chief Justice's farm, near Free Town, at the request of Mr. Macaulay. These plants were intended not for the use of Lawrence alone, but also for distribution to Lightburn and others, among whom Irving and Sterne, of the Kissing branch of the river, were particularly named.

We have been induced to be minute and particular in our account of the circumstances connected with the trade of the Rio Pongos, because the vicinity of that river to the Colony of Sierra Leone, and the commercial intercourse already established, give fair hopes of the speedy and complete eradication of the Slave Trade from its banks.

A commencement would thus be made in the abolition of the Slave Trade in the countries of the native Africans, which we regard as the only perfect abolition.

We have been favoured with some notes concerning the Rio Pongos, by, who being recently stationed on medical duty at the Isles de Los, availed himself of an opportunity to visit the river, and passed some days among the principal traders. These notes are worthy of attention as being collected from personal observation.

The Rio Pongos is in reality an æstuary from which many creeks branch out, some of them communicating with the sea, others uniting with other creeks, others penetrating further into the country, not, however, beyond sixty miles, at the utmost, when they terminate, receiving small streams or rivers. Upon these creeks the traders have their factories; and as these traders are already numerous, and the places suitable for other trading establishments almost innumerable, the opportunities for good and for evil commerce cannot easily be equalled.

In the country between Sierra Leone and the Rio Pongos, dissensions and disturbances have arisen from opposite pretensions to the succession to the late King Mungo Demba. The Chief of Foricaria has extended the confusion by insisting, that all trade from the Foulah country shall pass through that place. The people of this Chief hold one of the principal towns on the path of Port Logo, by which a direct intercourse between the Foulah country and Sierra Leone was lately established. That path is now stopped.

In the middle division of the coast, between Sierra Leone and Cape Coast Castle, much Slave Trade has been carried on. The principal resort of these traders is the Rio Gallinas. The vessels employed in this trade have been chiefly French; but some of all the countries concerned in the trade have been occasionally seen there. We have been informed that Krause, the Master and part owner of the schooner Joseph, lately condemned in the British and Spanish Court of Mixed Commission, has a factory at the Gallinas, and has been for some years a constant Slave trader there.

According to the information which we have received at various times from individuals who had opportunity of personal observation, or of communicating with those who had such opportunities, the station of the Gallinas has scarcely at any time been free from Slave traders, and generally from three to five vessels may be found there in search of Slaves.

In the range of coast southward from Cape Coast Castle to the Equator, which is the third division in the apportionment made in our former reports, a remarkable change has taken place by the transfer of the Portuguese Slave Trade from its recent favourite haunts in the Bight of Biafra to the Bight of Benin.

After the capture of the French and Spanish Slave ships in the river Bonny, on the 7th of April, by the boats of His Majesty's ships *Iphigenia* and *Myrmidon*, under the command of Lieutenant Mildmay, Captain Leeke proceeded in the *Myrmidon* to examine the Calabar.

The Calabar was examined on the 27th and 28th of April by the boats of the *Myrmidon* and *Iphigenia*, under the command of Lieutenant Elliot. The Portuguese schooner *Defensora da Patria*, having one hundred Slaves on board, bound to Prince's Island and Bahia, was taken by Lieutenant Elliot. The vessel being found not seaworthy was destroyed: the Slaves were brought to Sierra Leone, and emancipated by the British and Portuguese Mixed Court. A French vessel called *La Tamise*, of Marseilles, belonging to Rougemont and Co. was in the river at the time, and had come for a cargo of four hundred Slaves. She was boarded by Lieutenant Elliot, who ascertained these facts from her papers.

No other Slave-ships had been in the Calabar during the four months preceding. This information Lieutenant Elliot received from the Masters of the English vessels trading for palm oil. A tender belonging to one of those vessels arrived from the Cameroons a short time before Lieutenant Elliot visited the Calabar: the information derived from the crew of the tender was that no Slave-trading vessel had been in the Cameroons during the last five or six months. In consequence of this information, Lieutenant Elliot did not proceed to the Cameroons. That river was formerly a station of great resort for the Slave Trade.

Lieutenant Hagan visited the Calabar in the end of the month of June, and learned that no Slave Trade had taken place in the interval since the visit of the boats of the *Iphigenia* and *Myrmidon*, with the exception of a shipment of thirty slaves on board of a very small vessel called the *San José Xalaca*. This vessel put to sea with a short supply of provisions and water, in the expectation of arriving speedily at Prince's Island. The number of Slaves was in the same expectation greatly overproportioned to her means of accommodation. Contrary winds drove her unfortunately out of her course, and, after extreme suffering, she returned to Duke Ephraim's Town at Calabar. Ten of the negroes died of their sufferings, either on board or after the return to the Calabar. The others were delivered up to Lieutenant Hagan and brought to Sierra Leone, with the exception of three, whose exhausted state surpassed the humane efforts of Lieutenant Hagan for their recovery. For the further details of this shocking case, we refer to the particular despatch respecting it.

In the river Bonny no Slave-trading vessel had arrived since the capture of the *Vecua* and *Icanam* by the boats of the *Iphigenia* and *Myrmidon*. The Captain of the *Vecua*, and her crew, as well as the crews of the French vessels taken at the same time, were still at King Peppel's Town at Bonny, no opportunity for their departure thence having occurred.

Lieutenant Hagan noticed as a happy result of the check given to the Slave Trade in the rivers Bonny, Calabar, and Cameroons, the improved state of the legitimate commerce. The *George Canning*, a ship of seven hundred tons, from Liverpool, come for palm oil, had completed her cargo in four months. While the Slave Trade was in full vigour, this would have been a business of nearly twelve months.

In the Bight of Benin, Lieutenant Hagan took the Portuguese brig *Estrella*, having on board a cargo of Slaves. For the details of that case, we beg leave to refer to the particular statement respecting it. We have only to add here, that the letter of instructions from the owner indicates an intention of taking a number of Slaves beyond the regular proportion to the tonnage of the vessel, for each of which extraordinary slaves, an additional freight was to be charged.

Lieutenant Hagan could have taken another vessel with a cargo of Slaves, if the strength of his crew had been sufficient to allow him to man two prizes

with due regard to their security and that of the *Thistle*. He saw no less than nine vessels, under the Portuguese flag, all come for Slaves. He considered the Portuguese Slave-traders to have transferred themselves entirely to the Bight of Benin from their former haunts in the Bight of Biafra. Lieutenant Hagan conceived that the motives of this change were, the depth of water along the shore in the Bight of Benin and the vicinity of the Slave-trading stations to the sea, by means of which the Slave-trading vessels are enabled to get away rapidly on the approach of a ship of war, and to attain a safe distance in a short time, after they have taken advantage of a favourable opportunity to embark their slaves.

In the rivers of the Bight of Biafra, they had hoped that they would be inaccessible to attack, or capable of resisting with success the attacks of boats. But events have proved that they are accessible, and that the attacks by boats are not to be successfully resisted by them, while they are disabled from escape by flight, being so completely land-locked.

We have had occasion to notice, particularly in our reports of many of the cases brought before the British and Portuguese Courts of Mixed Commission, the undue facilities given to the illegal traffick by those in authority at Prince's Island, and the perversion of the liberty to call at that Island, and at Saint Thomas's, in voyages from Brazil, to the purposes of Slave Trade in the stations North of the Line. In the cases of the *Defensora da Patria*, of the *Nymfa del Mar*, and some others, the collusion to this illegal purpose was most foul and glaring, as the particular reports of those cases, and the parts of the evidence especially noticed in those reports, will shew in a more decisive manner.

The papers of all vessels cleared out from the ports of Brazil for the coast of Africa are perfectly regular. If the destination be avowedly for the Coast, North of the Equator, the objects of the voyage are distinctly limited to legal commerce, with an express prohibition against meddling in any way with Slave Trade. In the case of the *Des de Fevereiro*, these documents were coupled with private letters of the same tenor, so numerous, so uniform, and so strong, that nothing short of the positive proofs found, of her being actually engaged in obtaining a cargo of Slaves, could efface the impression of innocent and laudable commerce, made by the contents of these papers. Subsequent cases of the same description, although without the same combination of private as well as public papers, have shewn that papers of that description are used as common means of deception.

The vessels that clear out avowedly for the Slave Trade have papers of express destination to Molembó or Cabinda, South of the Line, sometimes with liberty adjoined to call at Prince's Island, or at the Island of Saint Thomas, the uniform abuse of which permission, for the purpose of inlet to the Slave-trading stations North of the Line, has already been noticed.

The general practice of keeping the slaves on shore until the whole cargo is collected in readiness for embarkation, causes many vessels so engaged to be left unmolested, and in the cases in which vessels found in such circumstances have been detained, on the ground of having had one slave, or more, actually on board, for the purposes of the traffick, the proofs have been found in some instances deficient, as in the case of the *Rosalía*, Spanish schooner, taken in the Rio Pongos, in January last, by His Majesty's brig *Thistle*; in some imperfect, as in the case of the *Estrella*, Spanish schooner, prize to His Majesty's ship *Morgiana*, Captain Knight, taken in the month of March off Trade Town; in others very difficult, as in the *Joseph*, Spanish schooner, prize to the detachment from the *Iphigenia*, placed under Lieutenant Clarkson, on board of the American schooner *Augusta*; the *Des de Fevereiro*, Portuguese brig, prize to His Majesty's ship *Iphigenia*, Commodore Sir Robert Mendis; and the *Nymfa del Mar* also prize to the *Iphigenia*.

If we may presume to recommend to Your Lordship the amendment of any

particular deficiency in the existing Treaties, otherwise than in our usual manner of presenting to your Lordship's notice the circumstances that furnish the suggestion, we would entreat that, if vessels having Slave-trading outfit cannot, —at least, this crying abuse of having cargoes of Slaves collected on shore should, be made equivalent to having them on board, and that vessels in such circumstances should be made liable to detention and condemnation.

With respect to the state of foreign co-operation, since the date of our last report, we have to mention merely the appearance of the French corvette *La Diane* off this harbour, on Sunday the 17th of May. She cruized off and on during the whole of the day, but did not come in, nor communicate with any of the small vessels or boats in the offing; and when the harbour-master approached her in his boat, for the purpose of offering his services to bring her in, she made all sail from him. No account has been received of her proceedings on the coast.

No vessel of force belonging to the United States of America has appeared on the coast.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(*Inclosure in No. 5.*)

Notes on the Rio Pongos and its Slave-trading Factories.

IN compliance with your request, I commit to paper the observations that I had opportunity to make in my recent visit to the Rio Pongos. I had, for some time, been desirous to see that river, and the extraordinary persons that reside on its banks. On the 7th of May, I accompanied Mr. ———, who was going to the Factory of Mr. Lightburn, one of the principal resident Merchants of that river, on a commercial expedition. We sailed from Crawford's, in the schooner belonging to Mr. ———, on the 7th, but as there was not any breeze, we made so little way, that it was not until three P. M. of the 8th, that we arrived off the Bar of the Rio Pongos. About eight o'clock in the evening of that day, we came to an anchor, off a place called Dominge, situated on the left, a short distance within the Bar; where we went on shore.

Mr. William Laurence, the owner of this place, received us very kindly, and we had some interesting conversation with him.

In the course of this conversation, Mr. Laurence informed us that he had finally relinquished the Slave Trade, as he had for a considerable time found it unprofitable and dangerous, and was subject to endless trouble and vexation in consequence of it. The situation of Dominge is high, and apparently healthy. There are not either hills or swamps in the immediate neighbourhood. Yet the inhabitants are sometimes subject to intermittents.

On the 9th, at 5 A. M. we proceeded up the river, passing by Devil's Island, where it is divided into two principal branches. That which we followed, lies to the left in passing upwards; its position is to the northward and eastward. This branch is larger than the other, and possesses more advantages for commerce. On our left, we saw the ruins of two or three deserted factories, one of these had belonged to a gentleman of the medical profession (Dr. Botifour,) who, as we were informed, had made a considerable fortune by the Slave Trade, and by his professional services to Slave Traders. He is said to be now living in affluence, in one of the Foreign West India Islands.

One of the others had been in the possession of the Curtises who were obliged to retire from this part of the river by the other Chiefs, in consequence of the expedition from Sierra Leone, sent to avenge the murder of Mr. Inman, Master's Mate of His Majesty's brig *Thistle*, and the seamen of the boat's crew who accompanied him. This expedition raised in the other Chiefs an apprehension of being made victims to the hostility excited by that barbarous act of the Curtises, and all the members of that family were compelled to withdraw from the main branch of the river. A little beyond, on the same side, is the factory of a trader named Puck: this also appears to be in a state of decay.

After we had passed these factories, we did not see any thing remarkable until we arrived in front of Bangalan, the place of Ormond, of which I will speak more particularly hereafter, as we did not at this time stop there.

Off Bangalan we left the schooner, which could not conveniently proceed higher up, in conse-

quence of the small depth of water: we went up the remainder of our way in a small boat. The banks on both sides are overgrown with mangrove swamps. There are many creeks branching off in every direction.

About seven miles above Bangalan, we found the factory of Mr. Lightburn. The position is to the right of Bangalan, as you go upwards; it is on the same side of the River, and passengers sometimes go from one place to the other on foot, in the dry season, when the small creeks may be passed. Lightburn's factory stands on a rising ground, at a little distance from the river. The house is enclosed in a large square, surrounded by a mud wall, with loop holes for musquetry.

We were received in a very kind and hospitable manner by Mr. Lightburn, who invited us to take up our quarters at his house during our stay in the river. He said to me "I think I have seen you before, Sir." On being undeceived in this he said "Well, Sir, I have to tell you that you are now among Slave-traders, and now, Sir, as you know all about it, you may make yourself easy." I thought this somewhat extraordinary; but, as I was directed to do, I made myself easy.

At dinner the table was well supplied, but here, as at the other places that we visited in the river, we saw no wine but what we brought with us. Rum and water is the substitute in the family use of these persons, unless when the Slave ships supply them with some extraordinary luxuries. We dined in a large apartment, between sixty and eighty feet in length, one extremity of which was appropriated for our chamber at night. This great room was, as I conjecture, a general lodging place in the time of the Slave Trade. I had several conversations with Mr. Lightburn on the subject of the Slave Trade: he always declared himself determined never again to engage in that trade. He assured me that his trade in gold, ivory, black-cattle, and horses, had increased very much, and he was confident of further increase, so as fully to make good any loss that he might have suffered by relinquishing the Slave Trade. He had, at this time, one very fine horse, which he valued at fifty pounds, besides others of less value. These he intended for the Sierra Leone market, more particularly the one valued at fifty pounds; but he appeared rather to wish that some person should come up to purchase him, and to take the charge of conveying him down to Sierra Leone. Mr. Lightburn expressed a desire to become a planter, either in his present residence, or somewhere in the neighbourhood of Sierra Leone. Coffee, I conceive, would be the best article for such a plantation. Cotton also would probably be productive. While I was at Mr. Lightburn's, I understood that some Slaves had been brought to him for sale, but that he refused to purchase them.

About two hundred yards above this place, the river terminates abruptly, receiving a small stream of very fine water, which runs from a chain of hills about four miles distant. The prospect from the top of these hills is very extensive. The Bar of the Rio Pongos, the Sangaree mountains and the Isles de Loss may be seen distinctly, as well as a long range of coast on both sides of the river.

The country in the neighbourhood of these hills presents large patches of sand, interspersed with irregular rocks of sand stone, which, at a distance, resemble ruined buildings. Similar appearances are found in various places on the banks of the river.

The abrupt termination of the river and the smallness of the stream that falls into it, when compared with the extent into which it is spread out farther down, and the number of creeks branching out from it, shew that in the larger part it is rather an arm of the sea than a river. The Mangrove, with which it is surrounded, is found only where there is a mixture of salt water with fresh water. On descending to Mr. Ormond's place, about seven miles lower down, the water is spread out into a very fine basin, but it is not deep. The anchorage even for vessels of a moderate size is distant from the shore, and at low water there is a great extent of mud upon the banks. Mr. Ormond's factory, called Bangalan, is very large. The situation is commanding, but, as it is surrounded with mangrove swamps, and mud banks, it is extremely unhealthy. The factory is inclosed with a very high wall, built chiefly with mud. At regular intervals there are round towers, two stories high, with two brass guns in each. There are thirty-three guns mounted in the whole circuit of the walls. There is a kind of wharf, which is also built principally with mud, and continued by mud-banks to some distance. I suppose that the walls and towers were intended as a defence against the country people, and to suppress insurrections among the Slaves, who are often very unruly when shut up in great numbers in the Slave-trading factories. When the boats of the Thistle lately visited the place for the purpose of getting possession of the Slaves belonging to the Spanish schooner Rosalia, no thought of resisting the demand occurred to any body.

The person to whom these Slaves belonged, named Francisco Freire, late Master of the Rosalia, was still at Mr. Ormond's, at whose house we dined in company with him. He appeared to be in a feeble state of health, and conversed little even with his Slave-trading friends; probably he felt a little shyness in consequence of our presence. We were informed that he requires Ormond to replace the Slaves given up to Lieutenant Hagan. No opportunity had offered for him to leave the River since the capture of the Rosalia by Lieutenant Hagan. Mr. Ormond told me that he had recently refused to purchase Slaves brought to him for sale, and that he took only such as he had previously paid for: that is, the Slaves that were due to him for goods given on credit to be paid for in Slaves. He, at the same time, avowed plainly his intention to resume the trade if favourable opportunities should offer. His reason for not purchasing Slaves at present, was, that he should have the charge of maintaining them too long without a chance of getting rid of them, as the Merchants of the the Havannah would not venture to send their vessels into the River for some time, in consequence of the recent captures. He was also apprehensive of exciting unfavourable suspicions, and incurring unkind treatment from the cruisers if he should be

found collecting Slaves in any considerable number. This man used no disguise in respect to his attachment to the Slave Trade.

It is said that Ormond has some thousands of attached Slaves, who are employed in cultivating, in trade, and in other services. They are called his people; and, according to the custom of the country, they are not to be sold: but as they may be seized in payment for debts, and may be given in payment, in cases of particular urgency, of which the master is himself the judge, they are never secure from sale when a number of Slaves is wanted, at a short notice, to make up a cargo. I think the number of slaves belonging to Ormond must be overrated when thousands are at all named; but they say five or six thousand. He has certainly the most considerable number. Lightburn, also, is said to have thousands.

From Ormond's, we returned again to Lightburn's. We came back to Ormond's on the 14th; but nothing occurred worth mentioning. We sailed for Crawford's Island on the 15th of May, and arrived on the 16th.

We did not visit the branch of the river which we left on the right of Devil's Island as we went up. It is less considerable than the other for facilities of trade and navigation, but I am inclined to think, that the fresh water stream is more considerable, and that it extends farther into the country. The termination of the other branch is not sixty miles from the Bar. On this branch to the right of Devil's Island as we entered, the Church Missionary Society had formerly an establishment at a place called Bashia. The river is sometimes called Bashia River. The principal resident at present is Paul Faber, an American. Lightburn and Ormond have places of trade on this branch also, which has communication with the other by some of those creeks and channels which are so frequent.

The Curtises retain the settlement of their family on this branch; but their principal possessions are at a place called Kissing River, which has a separate opening to the sea to the northward of the Rio Pongos Bar; it communicates with the main branch of the river between Dominge, William Laurence's place, and Devil's Island. Two traders, named Irving and Sterne, have factories in the Kissing branch.

The Slave-trading vessels generally came to anchor in the bason in front of Ormond's factory at Bangalan. There they discharged their Cargoes, and took on board their Slaves, which were generally brought thither by the traders to be delivered to them.

No. 6.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning,—(Received May 16th, 1823.)

SIR,

Sierra Leone, December 7, 1822.

EARL BATHURST's letter of the 14th of August 1822, conveying the intelligence of the lamented death of the Marquess of Londonderry, came to our hands by the same conveyance by which we had the honour to receive his Lordship's second letter, dated the 16th of September, announcing, that the King had been graciously pleased to appoint the Right Honourable George Canning to be His Majesty's Principal Secretary of State for Foreign Affairs. We had the honour to receive, by the same opportunity, your letter, communicating the same appointment, with your desire that we should address to you our despatches on public business, to which desire we shall have the honour to conform.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

*The Right Hon. George Canning,
&c. &c. &c.*

No. 7.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 16th.)

SIR,

Sierra Leone, January 1, 1823.

IN obedience to the directions received by us under date of the 10th of March 1822, from the late Marquess of Londonderry, that we should transmit at the beginning of each year, for the purpose of more convenient reference, a general abstract of our proceedings during the year just elapsed; we have the honour to inclose herewith abstracts* of the proceedings of the past year under the Mixed Commissions established in this Colony.

The number of cases adjudicated under the British and Spanish Commission in the year 1822 was six; they were all deemed to be cases of condemnation, and the number of slaves emancipated was five hundred.

The number of cases adjudicated under the British and Portuguese Commission was eleven; they were also deemed to be cases of condemnation, and the number of slaves emancipated was one thousand three hundred and fifty-six.

There was only one case of adjudication and condemnation under the British and Netherlands Commission; one hundred and seventy-eight Slaves were emancipated under that adjudication.

We beg leave likewise to inclose, for your further information, a general list of cases adjudicated under the Mixed Commission to this date. You will perceive, Sir, that the number of cases adjudicated during the past year is eighteen; the number of slaves emancipated, two thousand and thirty-four: that the total number of cases adjudicated since the establishment of the Mixed Commissions is forty; and that the total number of Slaves emancipated is three thousand seven hundred and sixteen.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

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

* The proceedings, of which abstracts were sent in this Letter, relate to the cases of the Spanish vessels—*Rosalía, Dichosa-Estrella, Joseph, Vecua, Icanam, and Josefa*:—to the Portuguese vessels—*Conde de Villa Flor, Des de Fevereiro, Esperança, Esperança Felix, Defensora da Patria, Estrella, San Jose Xalaça, Nymfa do Mar, Commerciante, San Antonio de Lisboa, and Juliana*; and the Netherland vessel *Aurora*:—all of which will be found at length in other letters from the Commissioners.

Inclosure in No. 7.

List of Cases adjudged in the Courts of Mixed Commission at Sierra Leone, between the 1st of January 1822, and the 1st of January 1823.

No. of Cases adjudged between June, 1819, & 1st Jan. 1823.	No. of Cases adjudged between 1st Jan. 1822, & 1st Jan. 1823.	Nation.	Name of Vessel.	Class.	Condemned.	Li-berated.	No. of Negroes emanci-pated.	
23	1	Spanish	Rosalia.....	Schooner	Condemned under a special decree	..	59	Total number of Slaves emancipated between June, 1819, and Jan. 1st, 1822..... 1,682
24	2	.. 2	Dichosa Estrella ...	..	Condemned	..	29	
25	3	.. 3	Joseph .....	..	Condemned	..	..
26	4	.. 4	Vecua .....	..	Condemned	..	217	
27	5	.. 5	Icanam .....	..	Condemned	..	12	
28	6	.. 6	Josefa .....	..	Condemned	..	183	
		Portuguese						500
29	7	.. 1	Conde de Villa Flor	Brigantine	Condemned	..	171	
30	8	.. 2	Des de Ferreiro...	Brig	Condemned	..	10	
31	9	.. 3	Esperanga .....	..	Condemned	..	147	
32	10	.. 4	Esperanga Felix ..	Polacca	Condemned	..	85	
33	11	.. 5	Defensora da Pa- tria	Sloop	Condemned	..	80	
34	12	.. 6	Estrella	Brig	Condemned	..	292	
35	13	.. 7	San Joze Xalaga..	Schooner boat	Condemned	..	17	
36	14	.. 8	Nymfa do Mar ...	Schooner	Condemned	..	2	
37	15	.. 9	Commerciante....	Brig	Condemned	..	167	
38	16	.. 10	San Antonio de Lis- boa	Brigantine	Condemned	..	291	
39	17	.. 11	Juliana .....	..	Condemned	..	94	1,356
		Netherlands						
40	18	.. 1	L'Aurore	Schooner	Condemned	..	178	178
								Total number of Slaves emancipated between Jan. 1st, 1822, and Jan. 1st, 1823..... 2,034
								Total number of Slaves emancipated between June 1819, and Jan. 1st, 1823..... 2,716

SIERRA LEONE.---(Spain.)

No 8.

*Messrs. Gregory and Fitzgerald, to the Marquess of Londonderry.—
(Received June 21st.)*

MY LORD,

Sierra Leone, March 15, 1822.

IMMEDIATELY on the receipt of your Lordship's despatch of the 30th of October 1821, (received 29th of January 1822,) we proceeded to the fulfilment of that part of your Lordship's instructions intimating that the Mixed Courts should be considered as open to all persons, whilst the Commissioners should be engaged in the exercise of their judicial functions.

The absence of the Commissioners of His Catholick Majesty having left us at liberty to act at once in the British and Spanish Mixed Court, a minute of court was expedited on the 30th of January, so as to allow the opinions then prepared for delivery, in the judgment of the case of the Rosalia, detained by His Majesty's brig Thistle, Lieutenant Hagan, to be delivered in open court on the ensuing day; and these opinions were read in judgment in open court accordingly on the 31st of January.

A copy of the minute was affixed on one of the pillars in front of the Court House on the 30th of January.

A communication announcing the fact of the opening, together with the appointments of certain officers, whose attendance and services would be required to give effect to the measure, was subsequently made to his Excellency Governor Sir Charles MacCarthy, in a letter, a copy of which accompanies this, together with a copy of his Excellency's answer.

In respect to the further part of your Lordship's instruction, founded upon the opinion of His Majesty's law advisers, it is our intention to act in conformity with the intimation therein conveyed, by abstaining from personal attendance at the examinations of witnesses.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

*The Marquess of Londonderry, K. G.
&c. &c. &c.*

(First Inclosure in No. 8.)

SIR,

Sierra Leone, February 1, 1822.

WE have the honour to inform your Excellency, that in pursuance of instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all persons when the Commissioners are engaged in the exercise of their judicial functions, the order, of which a copy is inclosed, was passed in the British and Spanish Court, on Wednesday the 30th of January 1822.

Some new arrangements and additional appointments of officers being necessary to the transaction of the business of the Court in an open state, we have the honour to communicate to your Excellency, the following nominations, and we beg leave to request that your Excellency will be pleased to give such orders as may be necessary to secure to the persons named, the general assist-

ance of His Majesty's subjects in the performance of the duties with which they shall be respectively charged, in virtue of their several offices.

MR. CHARLES BONETT, Marshal.
MR. RICHARD GROVE, Deputy-Marshal.
WILLIAM FORBES, Tipstaff.
ABRAHAM HAZELY, Court-keeper.

We have the honour to be, &c.

Sir Charles MacCarthy,
&c. &c. &c.

(Signed)

EDWARD GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 8.)

Order of the Court.—Sierra Leone, January 30, 1822.

British and Spanish Court of Mixed Commission, Sierra Leone.

Before Edward Gregory, Esquire, His Britannick Majesty's Commissary Judge, and Edward Fitzgerald, Esquire, His Britannick Majesty's Commissioner of Arbitration, acting in the absence of His Catholick Majesty's Commissioners:
Present Mr. F. Sawyer, clerk to the Mixed Commission, in the absence, through indisposition, of James Woods, Esquire, Acting Registrar.

Wednesday, January 30, 1822.

ORDERED.—That this Court shall henceforth be considered as open to all persons, when the Commissioners are engaged in the exercise of their judicial functions.

By the Court,

(Signed) F. SAWYER,

in the absence of J. Woods, Acting Registrar.

(Third Inclosure in No. 8.)

Governor MacCarthy, to the British Commissioners.

SIRS,

Government House, Sierra Leone, February 3d, 1822.

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, informing me that in pursuance of instructions received from His Majesty's Government, having for their object to cause the Court of Mixed Commission, established in this Colony, to be open to all persons when the Commissioners are engaged in the exercise of their judicial functions, you had issued an order to that effect, a copy of which was inclosed.

I have also to acknowledge your communication relating to the additional appointments of officers, whom you deem necessary to the transaction of the business of the Court, and requesting of me to give such orders as might be necessary to secure to those persons the general assistance of His Majesty's subjects, in the performance of the duties of their offices.

I have the honour to state, in answer to the latter part of your communication, that I have given the necessary directions to have the appointments of the several officers named in your letter notified in the Gazette, and that I will issue any further directions which may be required to secure to those persons every assistance in the performance of their duties.

I have the honour to be, &c.

Edward Gregory, and Edward Fitzgerald, Esqrs.

(Signed)

C. MAC CARTHY.

No. 9.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received June 21.)

MY LORD,

Sierra Leone, March 16, 1822.

THE name of one Massa, stated to be an inhabitant of the Isles de Loss, a dependency of this Colony, having been disclosed to the British and Spanish Mixed Court, as the purchaser and seller of one of the Slaves interrogated in the course of the examinations taken in the case of the Spanish schooner Rosalia, seized in the Rio Pongos by His Majesty's brig Thistle, Lieutenant

Hagan, commanding, we thought it our duty to communicate the fact so disclosed to his Excellency Sir Charles Mac Carthy, in order that proper proceedings may be taken to bring the said Massa to justice.

We have the honour to inclose, for your Lordship's information, copies of the correspondence which took place on this occasion.

According to subsequent intelligence the person named Massa had some time before gone to reside on the continent of Africa, opposite to the Isles de Loss.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c. &c. &c.

(First Inclosure in No. 9.)

The British Commissioners to Governor MacCarthy.

SIR,

Sierra Leone, January 25, 1822.

HIS Majesty's Commissioners under the Treaties for preventing illicit Traffick in Slaves, beg leave to call your Excellency's attention to a disclosure made yesterday, in the course of the investigation respecting the schooner Rosalia, detained and prosecuted by Lieutenant Hagan, for a breach of the Treaty between Great Britain and Spain. It appears by the deposition of a Negro named Tom, now on board the schooner, that a person named Massa, now and for several years resident at the Isles de Loss, where he formerly acted as tradesman to the late Mr. Lee, purchased that Negro from a Slave trader, named George Anderson, resident at York Island, in the Sherbro', and subsequently sold him to a Slave dealer in the Rio Pongos, named Paul Lefevre, who sold him to the Master of the Rosalia; both the last mentioned sales took place very recently. We have the honour to inclose a copy of the deposition of the Negro, who has given this information, in order that your Excellency may direct that proper proceedings should be taken.

We have the honour to be, &c.

Brigr. Genl. Sir Charles MacCarthy,
&c. &c. &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

(Second Inclosure in No. 9.)

Deposition of a Negro named Tom, of the Schooner Rosalia.

British and Spanish Court of Mixed Commission, Sierra Leone.

Before E. Gregory, Esquire, His Britannick Majesty's Commissary Judge, and E. Fitzgerald, Esquire, His Britannick Majesty's Commissioner of Arbitration, His Catholick Majesty's Commissioners being absent from the Colony.

Present Mr. F. Sawyer, Clerk to the Mixed Commission, (James Woods, Esquire, Acting Registrar, being prevented from attending through sickness.)

SCHOONER ROSALIA.

Thursday, January 24, 1822.

EXAMINATION of Tom, a native of the Foy Country, near Cape Mount, a Negro belonging to the said schooner, through the interpretation of Philip Gordon, being duly sworn.

Saith, that he is the son of a King, named King Willy, he was taken prisoner in war and was brought to York Island, and sold to George Anderson, who formerly belonged to Bance Island factory, Anderson afterwards sold him to Massa, who was formerly head trade man to Mr. Leigh, of the Isles de Loss. He said he lived with Anderson, from the rising of the Plantain until it was cut down, being about four months, and about eleven months with Massa at the Isles de Loss. He says that Massa took and sold him to Charley Puck, of the Rio Pongos, it is about three months since, says, that Puck sold him afterwards to the Captain of the schooner of which he came in here. Says, that the Master put him on board the schooner; he was put on board in John Ormond's canoe; when he was going on board the irons belonging to the factory were taken off, and on board he was tied with a rope; the canoe which took him on board was rowed by Ormond's Grumettas; the Captain and Charley Puck were in the canoe at the same time. He does not know the Captain's name, but would know him personally. The Captain remained behind in the

Rio Pongos. He, the witness, remained on board from that time, until the schooner was brought down here. When the alarm was given of the man of war's appearance, two canoes were hurried off with Slaves and those on board now were left behind. Massa who sold the Deponent resides now on the Isles de Loss with his family. He does not know what Mr. Puck paid to Massa for him, for immediately after being sold he was put in irons and placed in the factory. He does not know what the Master of the schooner paid for him in particular, but he saw Mr. Puck's canoe come twice from the schooner with goods to pay for Slaves, the goods were rum, tobacco, cloth, powder, guns, and cutlasses. Says, the schooner was lying in the Rio Pongos, about a mile and a half below Ormond's place, at the time of capture.

(Signed) PHILIP GORDON ^{his} × ^{mark} (Signed) TOM ^{his} × ^{mark}

(Third Inclosure in No. 9.)

Governor MacCarthy to the British Commissioners.

SIRS,

Government-House, Sierra Leone, January 1822.

I HAD the honour of receiving your letter of yesterday's date, and its inclosure, and in returning you my thanks for the information it conveys, I beg leave to inform you that I have this day sent instructions to the Officer commanding at the Isles de Loss, to secure the person of Massa, and to send him down for his trial. I have further requested of him to ascertain, if possible, the name of the persons who accompanied Massa to the Rio Pongos, at the time the transactions alluded to took place, and to send them to Sierra Leone.

I have the honour to be, &c.

Edward Gregory and Edward Fitzgerald, Esquires.

(Signed) C. MAC CARTHY.

No. 10.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received June 21.)

MY LORD,

Sierra Leone, March 17, 1822.

THE Spanish schooner *Rosalia*, detained on the 11th January 1822, in the Rio Pongos, by His Majesty's brig *Thistle*. Lieutenant Hagan, commanding, and brought to Sierra Leone for adjudication, was, on the 31st January, condemned under special judgment, by the British Commissioners, acting on behalf of the King of Spain, as well as on behalf of His Majesty.

We have the honour to forward to your Lordship copies of the written opinions delivered by us severally in open Court, in pronouncing judgment upon the case of the *Rosalia*. These copies comprehend all the material facts and circumstances of the case. Although these opinions were by no means designed to invite further seizures by similar means under the like circumstances, we have reason to think that a disposition of that kind is likely to arise, or rather to be confirmed in consequence.

The deficiencies found in the provisions of the Treaties, as applicable, even in the present extended construction resulting from the case of the *St. Salvador*, only to cases of the "actual embarkation of a Slave or Slaves for purposes of the traffic during the current voyage," excite inclinations to amend those deficiencies by means of experimental seizures. The vessels so seized may, it is supposed, be sent to take their chance of condemnation in the Mixed Courts, with a full confidence that whatever may be the decision there, the feelings of the British nation will be in favour of the captors, and hostile to the traders in Slaves.

These experimental seizures can rarely be attended with satisfactory decisions.

The British Commissioners are not to be supposed to be animated by any other feelings, in this respect, than those of the British nation; but they are

nd by the Treaties, under the obligation of a special oath, to “judge
 “faithfully, impartially, fairly, and without preference or favour, either for
 “claimants or captors, or any other persons,” and your Lordship’s instruc-
 tions, “to be careful not to lose sight of our judicial character, but uniformly
 “to endeavour to combine a fair and conscientious zeal for the prevention of
 “the illegal Traffick in Slaves, with the maintenance of the strictest justice
 “towards the parties concerned, and with the promotion of a spirit of con-
 “ciliation and harmony between His Majesty’s subjects and those of His
 “Most Faithful Majesty.”

By the departure of both the Commissioners of His Catholick Majesty, the
 British Commissioners are charged with the sole jurisdiction in the British
 and Spanish Courts, and in each of the other two Mixed Courts they have
 a majority of two voices to one.

With whatever natural participation of British views, the British Com-
 missioners cannot, in a fair sense of their duty, leave out of view the foreign
 rights with which they are equally charged.

The distinction, in the general sense of their duty under the Treaties, be-
 tween the Foreign and the British Commissioners was this:—The British
 Commissioners, according to the established principles of their country,
 regarding the Slave Trade as contrary to justice and humanity, were desirous
 to emancipate slaves and to condemn the property of Slave dealers wherever
 the Treaties could be properly construed to enjoin or to permit them to do
 so; on the other hand, the foreign Commissioners having been accustomed
 to regard the Slave Trade as a legitimate branch of commerce, highly bene-
 ficial to the colonies of their respective countries, while they were prepared
 to fulfil the obligations of the Treaties in all cases clearly brought under the
 provisions by which condemnation is enjoined, considered the respective
 Articles, in all other cases, as so many securities for the protection of the
 property of their countrymen concerned. They were consequently, with
 certain distinctions and degrees as to persons and cases, extremely averse from
 admitting forfeiture to be incurred under circumstances in which any of these
 restrictions appeared to afford a security against it.

The introduction of a practice of making experimental captures will neces-
 sarily involve the Mixed Courts in the inconvenience of pressing instances
 for condemnation in disregard of the restrictions, which condemnation the
 foreign powers would conceive to be dictated by a partial consideration of the
 English objects of the Treaties alone.

We intreat your Lordship’s attention to these observations, in the hope
 that a concurrent understanding and practice may be maintained by the
 Commanders of His Majesty’s cruizers, and the Judges of the Courts of
 Mixed Commissions, either by obtaining for those courts a corresponding
 extension of powers, or by holding the Commanders to the limitations and
 restrictions of the Treaties as they now stand.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c. &c. &c.

(First Inclosure in No. 10.)

Mr. Gregory's Opinion pronounced in Judgment, on Thursday the 31st of January 1822, on the Case of the Spanish Schooner Rosalia, detained by Lieutenant Hagan, commanding His Majesty's Brig Thistle, on the 11th of January 1822, on a charge of Slave Trading in the Rio Pongos.

THIS case presents two points for the consideration of the Commissioners.

The first is respecting the nationality of the vessel.

The second point is in regard to the Negroes stated to have been purchased for the Rosalia, and as to whether the circumstances under which the Rosalia was seized by Lieutenant Hagan, are within the meaning of the Treaty between Great Britain and Spain, for the suppression of the Slave Trade.

On the first point, the witnesses Robert Days, Juan Lopez, and Joaquim Jozé, part of the schooner's original crew, depose that the Rosalia was owned by Don Jozé Soler, a resident of the Havannah, and a Spanish subject; that he was the person who hired them, with the other people belonging to the schooner. They say, that the vessel sailed from the Havannah under Portuguese colours; and, they believe, with Portuguese papers. Three Portuguese flags and a Spanish Ensign were on board. To the 12th interrogatory, Days states; that he does not know whether any bill of sale was made to the owner, but that Don Jozé Soler gave two thousand dollars for the schooner, which was sold at publick auction, and that the two thousand dollars were paid.

No papers were found on board of the schooner by the Captor, nor was any document delivered up to him by the Master of her, when required by Lieutenant Hagan. The Court, then, must decide on the nationality of the Rosalia, by a presumption of what her character was when she left the Havannah.

There are, I think, sufficient grounds to presume that her character was Spanish. A sale by publick auction at the Havannah; a purchase by a Spanish subject, must have effaced her previous Portuguese character; her condition being changed, she could not have legally sailed with her former Portuguese papers, and new ones she could not acquire at the Havannah.

Besides the owner of the schooner, her Master, and first and second mates were Spaniards; they are stated to have been hired by Soler subsequently to his purchase of the schooner, therefore they must have embarked under the sole sanction of the Spanish Authorities.

Under these circumstances, I presume that the character of the Rosalia is Spanish, and I, accordingly, consider her as such.

On the second point, I am of opinion that the Negroes now on board should be considered as having been purchased by Francisco Frere, who, after the death of the original Master, assumed the command of the Rosalia, and took upon himself the direction of her concerns.

It does not appear that the Negroes were actually delivered into Frere's hands, but it is beyond doubt that they were considered by the Slave traders as purchased by Frere, who, for objects of convenience and of safety, chose that the Negroes should remain in the custody of their former Masters until such time as they could be safely embarked on board his vessel. All the Negroes who have been particularly examined, though they belonged to different Slave dealers, depose that they were sold to the Captain, or white man of the schooner; they all state that in exchange for themselves, their several Masters received goods from John Ormond; that their goods came from the schooner.

The statements of these Negroes are supported by the depositions of Mahomadoo, the interpreter, who explains that it is usual for vessels coming to the Rio Pongos, to deliver the whole of their cargoes to Ormond, the principal headman of that river, who shares it among the minor chiefs, according to the proportions in which they can supply Slaves. Ormond guarantees the payment of the Slaves. The Slaves now on board of the Rosalia were delivered over to John Ormond, when about to be embarked.

The purchase of the Slaves by Frere being proved, it remains to be ascertained, first, whether they were ever put on board of the Rosalia by the purchaser previous to the general embarkation of the Negroes that took place on the 11th of January; and, secondly, whether the embarkation that took place on that day is to be considered as being within the meaning of the Treaty.

Five Negroes, of seven who have been examined, clearly and positively state that they were never on board of the schooner before they were placed in her by the captor. Two Negroes, Tom and Quana, on their first examination, deposed as if they had been put on board previously to the general embarkation on the 11th of January, but their deposition is opposed to the fact declared by the Captor, that he did not find any Negro in the vessel when he first boarded her, and is inconsistent with their subsequent deposition.

Quama, on his re-examination, states that he never was on board of the schooner before he was sent with the other Negroes at the time that the brig of war came into the river; he says that no white man was with him in the canoe when he was conveyed on board; that Paul Lefevre, who sold him, was at his town, whereas, he before stated that Paul Lefevre and some white men belonging to the schooner were with him when he was taken on board.

The inconsistencies of Tom, the other Negro, are still greater; on his re-examination he says, that he was put on board of the schooner with many others; that the schooner went towards the

bar of the river; the alarm being given of the approach of the brig of war, part of the women and the children were put into a canoe towards the evening, and were sent on shore; that those Negroes who remained on board were to have been conveyed out of the vessel the next morning, but that, in the mean time, the man of war came and seized the vessel and the Negroes who are now on board. This is not the fact as stated by the Captor.

On being further examined, Tom says, that he was put into a canoe, with others, to be carried on board the schooner; that when they came alongside of the vessel, and on the approach of the man of war, the canoe was rowed to the shore; he was landed with the others and was concealed; he says that he was afterwards put into John Ormond's canoe, with the other black men, and sent on board of the schooner; that Charley Puck, who sold him, was at his town, and the Captain of the schooner at Ormond's town; that no white man was with him in the canoe, when he was sent on board, when he, on his former examination, stated that both Puck and the Captain were with him, and that he remained on board from that time to the present. The desire of liberty, which is implanted in every human breast, may have given rise to tales which promised freedom to their fabricators.

It not being proved that any Slaves were shipped on board of the *Rosalia*, previously to the 11th of January, we come now to inquire whether the embarkation of the Negroes that took place at that time is within the meaning of the Treaty; whether it forms a sufficient ground for the condemnation of the vessel.

According to the tenth article of the Treaty, "no British or Spanish cruizer shall detain any Slave ship not having Slaves actually on board; and in order to render lawful the detention of any ship, whether British or Spanish, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic."

Lieutenant Hagan, in his first declaration, dated the 17th of January, states, that he seized the schooner on the 11th of January, and that at the period of the seizure there were on board *sixty Slaves*.

In a subsequent declaration of the 24th January, Lieutenant Hagan states, that he first boarded the schooner on the 7th of January, but quitted her on the same day, and proceeded up the river; that on the 9th of January he placed part of his boat's crew on board of the schooner, to avoid exposure to the night air; that from the 9th to the 11th he was engaged in arranging palavers with the Native Chiefs; that he made an application through the Native Chiefs to the Master of the *Rosalia*, requiring him to deliver up and send on board of the schooner, the Slaves purchased by him for her; that the Master did send on board sixty Slaves, who were all embarked in the schooner previously to his (Lieutenant Hagan's), going on board and seizing her.

It is said that no seizure was made of the schooner until the 11th; there existed no ground for detention prior to that time, although it was notorious that those who were concerned in the schooner were engaged in the Slave Trade. Betwixt the 9th and the 11th, when some of the Thistle's men were on board, no seizure was avowed. The vessel remained protected by the terms of the Treaty.

But if no seizure was avowed betwixt the 9th and the 11th, is it to be inferred that the schooner was absolutely in the possession of the original crew? I think not; but that she was, in some degree, under the controul of Lieutenant Hagan. Juan Lopez, in answer to the fifth interrogatory, says, "the Captain of the brig caused the schooner to be got ready for sea; when the schooner was ready, the Captain brought the Negroes on board."

This statement, which has not been directly contradicted, establishes the idea that the vessel was not in the entire possession of the original crew; it certainly leads to the inference that a superior power than they, controlled the management of the schooner.—Under these circumstances the crew could not be answerable for facts done by a power foreign to the vessel; less could the vessel suffer for the acts of such a power.

In this state, whilst a part of the crew of the capturing ship was on board of the *Rosalia*, and whilst her own crew were not entirely at liberty, a number of Negroes were sent to the schooner and were received on board of her.

The declaration already mentioned of Lieutenant Hagan, of the 24th of January, shews how these Negroes came on board; it shews that they were sent to the schooner by her Master on an application made to him through the Native Chiefs by Lieutenant Hagan.

Does the embarkation of these Negroes come within the meaning of the tenth Article of the Treaty? The object for which they were embarked will best resolve the question.

It is evident that the object of the embarkation of the Negroes was, not that of disposing of them by traffick, but, that of liberating them from their chains. Humanity may rejoice when it contemplates the restoration of these Africans to their homes, but justice must require that the intention of the Treaty should be complied with by all who act under its authority.

These Negroes were embarked "in pursuance of a demand or requisition conveyed to the Master" from the captor.

Lieutenant Hagan stood in the situation of a guardian of the Treaty, the Master in that of one about to violate its enactments. Compliance on the part of the Master to deliver up the Negroes to him, who was appointed to check his nefarious trade, does not warrant the conclusion, that those unfortunate beings were placed in the power of the seizor for the purpose of traffick; on the contrary, such compliance authorises the conclusion, that the Master was compelled to deliver them out of his possession in order to their being placed in a state of freedom.

Lieutenant Hagan says, that he did not assist personally in the embarkation of the Slaves, but he was present at John Ormond's Town when the Slaves were embarked;—he further says, that

they were all about to be embarked in a canoe given for that purpose by Ormond; it was mentioned to him that they could not all be conveyed in the canoe on board of the schooner, without considerable risk, and he offered one of the Thistle's boats, in which some of the Negroes were sent on board of the schooner. They were embarked in the boat belonging to the Thistle after the canoe was already sufficiently loaded. This evidence I consider decisive to authorize me to say that the Negroes were not brought on board for the express purpose of the traffick.

The Thistle's boat under the eye of the commander of the Thistle, could never be employed, as it was not employed in fact, in the errand that is within the meaning of the Treaty.

The fact of Slave-dealing being pursued on shore, does not by the Treaty implicate a vessel in the guilt of her crew. It is required in order to her implication, that she should have received on board, for the purposes of traffick, those who are the victims of injustice and of avarice; it is necessary that the Slaves purchased to be shipped in the vessel should have been placed on board of her; condemnation follows such an act when detected, but it does not take place without the act has been committed.

The case of the Portuguese schooner, San Salvador, gave rise to the construction which the British Government put upon the tenth Article of the Treaty between Great Britain and Spain. The construction was that "if there should be clear and undeniable proof that a Slave or Slaves had been, for the purpose of illegal traffick, put on board a vessel in the particular voyage on which the vessel should be captured, then and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel should be detained by the cruizers and finally condemned by the Commissioners.

The cases of "La Caridad," and "La Neuva Virgen" came, and were condemned, under this construction of the tenth Article of the Treaty. In those cases, Slaves had been placed on board of the vessels by their crews, but had been removed by the crews from the vessels to the shore on the approach of the capturing ship, whose commander subsequently succeeded in rescuing the Negroes from the clutches of the Slave traders.

I think that the situation of the Rosalia is the same as that in which she was first found by Lieutenant Hagan, where the Slave trading pursuits of the Master on shore were known, yet the vessel, by the tenor of the Treaty, could not be detained. I do not think that the case of the Rosalia comes within the meaning of the Treaty, and were there here present a representative of the vessel to claim her, though it would be painful that she should return into the possession of her Master, I should deem it my duty to order her restitution. As, however, there is no one here to claim her nor to take charge of her; as she would perish through abandonment and be lost to all parties, I think it right, with the view that the property in the vessel should be realized, to deliver my opinion that she, the Rosalia, be condemned as prize to the Crowns of Great Britain and Spain. The emancipation of the Slaves follows the condemnation of the vessel.

Sierra Leone, January 31, 1822.

(Signed) E. GREGORY.

(Second Inclosure in No. 10.)

Opinion of Mr. Fitzgerald, His Britannick Majesty's Commissioner of Arbitration, delivered in the British and Spanish Court of Mixed Commission, on Thursday, January 31, 1822, in pronouncing Judgment on the Case of the Spanish Schooner Rosalia, taken by His Britannick Majesty's Brig Thistle, Lieutenant Hagan, Commander, in the Rio Pongas, on the 11th January 1822, and brought to Sierra Leone for Adjudication by the Spanish Court of Mixed Commission, on a charge of being engaged in the illegal Traffick of Slaves.

THIS vessel is acknowledged and proved by the seamen of her crew, examined on the standing interrogatories, to be the property of Don José Soler, a subject of the King of Spain, resident at the Havannah, she is, therefore, properly brought under the jurisdiction of the British and Spanish Mixed Court, notwithstanding that it is asserted by the same seamen, that she was navigated under the Portuguese flag, manned principally with Portuguese seamen, and furnished with Portuguese papers. If these assertions were true, which is very doubtful, this would only go to establish a mixture of national characteristics contrived to defraud the Treaties, but furnishing the means of defeating itself, by rendering the case cognizable under the Treaties with Portugal, as well as under the Treaty with Spain.

Those seamen deny that any intention of trading for Slaves was contemplated in their engagements with the Owner of the vessel. The declared purpose of the voyage was to purchase gold and ivory at Bissao; the entry into the Rio Pongas is alleged to have been incidental to the conveyance of a family of liberated Negroes from the Havannah to that river, of the banks of which they were natives. The object of the landing of the cargo, and the traffick carried on by the mate, now acting as Master, are said to be wholly without the knowledge of these seamen. They profess themselves to be utterly ignorant of the nature of that traffick.

It is barely possible that these allegations should be true; and if true, they may avail to the personal immunity of the seamen; but, with reference to the ship, the acts of the Master, as the

agent of the Owner, must be binding, and the ship must abide the consequences of those acts as far as they extend.

In considering the question, whether this schooner be liable to condemnation under the Treaty between Great Britain and Spain, much difficulty arises from the peculiar circumstances of the case. It is sufficiently proved, by the situation in which the vessel was found near the Slave factories in the Rio Pongas, by the landing of the outward cargo, and by the actual purchase of a number of Slaves under the direction of the Mate, who assumed the command on the death of the Master, that the object of the homeward voyage at least was to take away a cargo of Slaves. But no Slave appears to have been put on board by the Master, nor by the Mate, now acting as Master, nor by any person acting on his behalf, nor on behalf of the ship, so as to constitute an embarkation for the purposes of the traffick, as required by the Treaty, to warrant seizure and detention: not one Slave was put on board until a general embarkation of the whole of the Negroes recently on board was made at once, in consequence of a demand, or requisition, from the Commander of the capturing vessel. This is the concurring effect of the testimony of the Captor and of the seamen of the schooner, and of that of the Negroes brought forward in the first instance, as well as of those introduced by the Captor, in consequence of the order of Court requiring further proof, first of an embarkation for the traffick, and next of an actual purchase and possession by the Master, or by the Mate, or by any person acting on behalf of the ship. Proof of the embarkation for the traffick would, of course, have precluded the necessity of proof of the purchase, which was required merely for the purpose of ascertaining how far the actual evidence would go, if it could not be carried to the very points specified in the Treaty.

It appears further, that, on the part of the Captor, the embarkation in the manner in which it was carried into effect was purposely contrived and managed, in order to establish ground for a seizure. This seizure was not actually, or at least not avowedly, made until after the embarkation, although the schooner was effectively in the power of the Captor for two days before. He visited her on the 7th of January, but left her immediately again; but, on the 9th, he returned and placed some of his people on board for the convenience of cooking and for preservation of their health, by relieving them from a part of the exposure which they must otherwise have to undergo. These are probably, with perfect correctness, given as the causes and motives of placing some of the capturing seamen on board of the Rosalia on the 9th of January. But what was the effect,—the remainder of the boat's crew were at hand, the schooner could not possibly have escaped, and the Captor might have taken her at any moment he thought proper to declare her seized. She was in fact already seized in every respect but in name. The Thistle's Quarter Master, Jeremiah Cox, brought forward in further proof, says, "the party might have seized her, but Lieutenant Hagan told us not to touch a rope yarn belonging to her,"—and afterwards he says, "I had strict orders from Lieutenant Hagan to confine myself to my own duty until he should return; when Lieutenant Hagan came on board the schooner he gave me orders to go forward and to take care that not any of the crew or Slaves left the vessel, for he had then taken possession of her as a prize."

Two of the Negroes brought forward in further proof, named Tom and Quana, gave reason in their first examinations to believe that they had been put on board the schooner, before the general embarkation on the 11th January, by the Master of that vessel, or his agents and the Slave-dealers of the river, but upon more particular investigation, by means of further interrogatories, it was found that Quana had not been on board the schooner before the general embarkation on the 11th, and Tom, who was proved to have been embarked at the same time with Quana, gave such various and inconsistent accounts as to raise strong doubts of his veracity as well as of the accuracy of the interpreter in his first examination.

The Captor himself in his supplementary evidence says, that the general embarkation, immediately previous to the seizure, was the only one of which he was aware.

The facts and circumstances actually proved as here enumerated, present a case altogether distinct from any before adjudged by the Courts of Mixed Commission.

In the case of the Portuguese schooner San Salvador, one Slave was proved to have been actually on board for the purposes of the traffick, and to have been put out of the captured vessel into a boat on the approach of the Captors. The sufficiency of this proof to constitute a breach of the Treaties with Portugal, liable to condemnation, as declared by His Majesty's Commissioners in their official report of that case to His Majesty's Government, has since received the sanction of the other Governments concerned in the Treaties.

That approved construction is thus declared in the circular addressed to the foreign Courts, "that if there shall be clear and undeniable proof that if a Slave or Slaves have been for the purpose of illegal traffick put on board the vessel in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel is to be detained by the cruisers, and condemned by the Commissioners."

But in the present case there is not any sufficient proof that any one Slave has been on board for the purposes of the traffick, until the general embarkation of the whole at the instance of the Captor, who in the manner explained by himself, caused some of the Slaves to be conveyed on board in his own boat, the canoe which was provided for the conveyance of them, by the Slave dealer Ormond, being already overloaded.

The condemnation of the Spanish schooner Caridad and Nueva Virgen was decreed by the British and Spanish Mixed Court in a great degree, if not altogether, in conformity with the approved construction in the case of the San Salvador. The Slaves taken on board these vessels, although embarked in consequence of a requisition of the captor, had been all previously on board,

and had been re-landed, and the captor had not taken possession in any way, nor had he put any men on board of the schooner until the Slaves were actually re-embarked in consequence of the requisition. In that case, if the vessels had been brought away without the Slaves, they would have been equally liable to condemnation on proof of the previous embarkation and landing of the Slaves. The re-embarkation of the Slaves was distinct from any act of prior occupation, and, although made in pursuance of a requisition from the captor, it was in consequence of the previous embarkation. Thus the actual seizure had the foundation of the prior embarkation, as well as of the actual presence of the Negroes on board, before any entry was made. The captors had not taken any part in the shipment of the Negroes; they had not meddled either with them or with the vessels until they actually seized.

In the present case, there is sufficient proof of an intention to carry off Slaves, and of the purchase of the Slaves now on board, for the purpose of embarking them and carrying them off; but there is not any proof of the embarkation of any one Slave, otherwise than in the general embarkation at the instance of the captor. On the contrary, the supposition of any such prior embarkation may be considered as distinctly disproved. The embarkation made at the instance of the captor, and with the assistance and participation of his boat, cannot be considered as the act of the Master, who cannot be regarded as a free and voluntary agent in it; it must rather be holden to be the act of the captor who issued his requisition, and personally took care to see it carried into execution.

How then does the case stand with respect to the vessel now under adjudication? The illegal proceeding upon which the ship should be forfeited if it had been committed by the Master is only commenced and pursued to a certain stage by him; at that stage the captor interferes to procure the completion; and it is consummated in the actual embarkation made at the instance of the captor.

A gross abuse has been committed by the Master of the detained vessel; a gross fraud against the Treaty was contemplated, and nearly brought to maturity. But can that abuse be punished by the condemnation of the ship, if it has not been fully matured by the voluntary agency of those concerned with the ship, to the state at which the condemnation is directed by the Treaty? Can the captor take the charge of the remaining part of the illegal work upon himself to finish it, or to exact the finishing from those before concerned, giving his own assistance so far as that assistance was necessary? The circumstance of the assistance of the boat may seem casual and unimportant, but it is material in this view, that it certainly would not have been given in aid of an embarkation really designed for the traffick, or for the purposes of the Master as connected with the traffick.

But can the captor be allowed, as a public prosecutor, to complete the offence in order to lay ground for the exaction and infliction of the penalty? I do not think that the captor can be sanctioned in taking advantage of a wrong doing, which is in fact his own; or that the Master of the schooner or his owners can be punished under the Treaty for a wrong doing which is not his, nor theirs, in the full extent required by the Treaty to incur condemnation. Could this vessel have been condemned if these Negroes had not been put on board, as the *Caridad* and the *Neuva Virgen* might have been, on proof of the prior embarkation and re-landing? The idea of such a condemnation could not for a moment be entertained.—Can a decree of condemnation pass upon this embarkation made at the instance of the captor, so as to make him profit by the wrong which he must himself be holden to have done?—for what a man does by others must be understood to be done by himself. I do not think that such a course is warranted by the Treaty, or by any case decided in conformity with the approved construction adopted upon the report of the case of the *San Salvador*, nor by the instructions given by His Majesty's Government to the British Commissioners in consequence, which instructions have since been sanctioned by the acquiescence of the other Powers engaged in the Treaties.

The absence of the Master, the concealment of the papers, or any other default of such nature, cannot warrant condemnation when the examinations enjoined by the Treaty furnish evidence so strong against the right to condemn.

In the course of these considerations I have thought it right to rely principally upon the evidence of the Negroes and of the captors themselves. The statements made by the seamen of the *Rosalia* respecting the assumption of the entire possession and command of the vessel by the captors, since the division of capturing seamen was placed on board on the 9th of January, would, if allowed to have weight in the case, render it still stronger against the captors, as indicating an actual seizure from the first entry.

On all the grounds that have been already recapitulated, I do conceive that if the Master of the *Rosalia* was now before the Court as a claimant, and on behalf of the owner; or if he or any person competent to represent the owner or to be entrusted with the vessel were present in the colony to take charge of her upon her release, it would be the duty of this Court to restore her, connecting with the judgment of restitution such declarations of opinion upon the circumstances in which she was found engaged in the traffick, as those circumstances would appear to require.

But this vessel stands before the Court at present without claimant; without representative; without any body in connection with her that can be held authorized to receive her, or qualified to take charge, or in any way fit to be entrusted with the management or disposal of her, on behalf of the Master or of the owner.

This is a case in which, because all the parties are not properly before the Court, and because condemnation is not warranted by the Treaty, and further, because a restitution under the circumstances could not be expected to prove beneficial or satisfactory, the probability of appeal must be taken into contemplation; and this raises the question, how the Commissioners now sitting in

judgment on this case can best prepare it to meet appeal, by making the fairest decision that the circumstance in which the case is placed before them will admit.

If they cannot condemn the vessel, in conformity with the Treaty, are they therefore to abandon her to her fate, or to throw her back to the Captor upon his responsibility: knowing, as they do by the Treaty, that in the event of failure on his part, that responsibility becomes the responsibility of his Government.

Will they not act most conformably to their duty, and with the most assured regard to the interests of justice, to the interests of those who shall ultimately be held entitled, and to all the interests in whatsoever way concerned, by taking the necessary measures to cause the property to be disposed of to the best advantage, and to cause the proceeds to be preserved, so that they may be forthcoming for the benefit of those whose right to them shall in the end be legally established, whether the owner shall make good a claim upon appeal, or the Crown of Spain shall insist upon forfeiture for the violation of national law, or the operation of the Treaty be extended to this kind of contravention, as well as to those already under its recognized restraint. The preservation of the property to abide the results of the ulterior interests of justice, whatever they may prove to be, appears the best view of the duty of the Commissioners, and this can be accomplished only by condemnation.

I therefore think, that a condemnation ought to take place, not for the infringement of the Treaty, but under the special circumstance, in order to preserve the property, to answer the ultimate purposes of justice. A special detail of the grounds and circumstances of the condemnation must accompany the statement of the case to the superior authorities to whom the Commissioners are bound to report their decisions.

In considering the case of the Slaves brought to this port on board of the *Rosalía*, the special circumstances of the condemnation lead to a distinction between the rights and the duty of the Court respecting them, and those rights which would result from a formal condemnation for actual infringement of the Treaty.

In cases of condemnation for actual infringement of the Treaty the emancipation of the Negroes is necessarily incidental, and is enjoined by the Treaty as a consecutive act.

In the present case the emancipation is not so much a matter of injunction by the Treaty as it is a matter of propriety on general grounds. The Negroes could not well be emancipated incidentally to the condemnation of the vessel, when it is expressly said, that, according to the Treaty, the vessel ought to be restored, if a claimant had presented himself; but on such a restoration the Negroes could not be involved in a return to slavery, they could not be replaced as private property in the hands of a private owner, prohibited by the laws of his country from acquiring or holding them under the circumstances adduced in evidence. Upon such a restoration of the vessel, the Negroes must have been retained in this Colony, and it appears that it would have been due to the Sovereigns concerned in the Treaty to give the fullest assurance against the possibility of their being employed otherwise than in the free service which the Treaty directs. This assurance can only be afforded by emancipation; the grounds and the circumstances of that emancipation, as well as those of the condemnation of the vessel, must be specially reported to the higher authorities.

No. 11.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

WE have the honour to forward to your Lordship an abstract of the case of the schooner *Dichosa Estrella*, taken under Spanish colours, and brought for adjudication by Captain Knight, of His Majesty's ship *Morgiana*, under a charge of trading for Slaves, in violation of the Treaty between Great Britain and Spain.

There were on board this vessel French as well as Spanish papers. The Master was a Frenchman, and the log-book was kept in the French language. It is to be inferred, that there was an intention to assume the French national character, if the presence of French cruizers on the coast, when the capture took place, had not rendered such a scheme unavailing. One of these cruizers, the brig *L'Huron*, visited this vessel while she lay off Trade Town.

The particular point in this case, to which we would beg leave to attract your Lordship's notice, is the shipment of certain Slaves belonging to this vessel, in consequence of certain communications from Captain Knight to the Native Chief at Trade Town. The statement given by Captain Knight of the

circumstances of this transaction, in the affidavit made by him in further proof, will convey the best information of the matters of fact.

The Commanders of His Majesty's cruisers justly consider it as a great abuse that cargoes of Slaves should be collected on shore in readiness for embarkation, and that the vessel for which they are collected should brave them on the same station, and be considered not liable to capture and condemnation.

The Commissioners of the Mixed Courts, while they are sensible of the grossness of the abuse, do not find themselves warranted to afford a remedy for it by condemnation, unless proof can be given of the actual embarkation of a Slave for the purposes of traffick. What is considered warranted by the fair interpretation of the Treaty, and by the analogy of corresponding practice in cases of contraband, is to hold the detention of vessels so found not liable to demurrage or damages, when there is any reasonable ground of suspicion that a Slave has been on board for the purposes of the traffick.

In cases in which the detention is founded upon ascertained illegal embarkation previously existing, we conceive that all proper means may be employed to obtain the delivery of Slaves kept in depôt on shore for the vessel detained, and that such Slaves when delivered up are to be emancipated in the regular course of the judicial administration under the Treaties. In cases in which such a delivery is obtained, without any proof of previously existing embarkation of a Slave for the traffick, we think the most appropriate course respecting the Slaves is to pronounce a special decision, giving emancipation in order to guarantee the freedom covenanted by the Treaties. There is no title to restitution in such cases, the Slaves having been illegally purchased; and the ordinary emancipation, according to the Treaties, cannot take place on account of the irregularity of the capture. We have to request your Lordship's instructions on these points.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(First Inclosure in No. 11.)

Case of the Spanish Schooner Dichosa Estrella.

THE schooner *Dichosa Estrella*, Domingo Larose, Master, sailing under Spanish colours, was taken on the 17th of March 1822, by His Majesty's ship *Morgiana*, Captain Knight, off Trade Town, in lat. 5, 44 N. long. 9, 50 W.

This vessel had on board Spanish papers from Porto Rico, in which she was described as the property of Don Santiago Rufane, of that place. There was a bill of sale of a vessel named *Borrighuen Laura*, to this Rufane, and it was stated that he had changed the name of *Borrighuen Laura*, to *Dichosa Estrella*. There was, however, a French pass from Martinique, evidently for this vessel under the name of *L'Heureuse Etoile*, she was described as the property of the Sieur Morin, of Martinique, commanded by Mons. Larose. It appeared that the name of *L'Heureuse Etoile* was simply translated into the Spanish *Dichosa Estrella*, and that Mons. Larose still retained the command under the Spanish designation of Don Domingo Larose. He kept his log-book in the French language, still calling her *L'Heureuse Etoile*.

From this mixture of national characteristics it may be inferred, that it was intended to make this vessel pass for French, in the event of falling in with British cruisers, if the scheme had not been deranged by the presence of the French corvette *La Diane*, and the French brig of war *Le Huron*, on this part of the coast. The *Estrella* had already been boarded by a Lieutenant of the *Huron*, and released after examination, as appears by an entry on the log-book,—(Il m'a largué après m'avoir visité.)

The Spanish characteristics attached to this vessel were fully sufficient to bring her under the influence of the Treaty between Great Britain and Spain for preventing illegal Slave Trade, and under the jurisdiction of the British and Spanish Mixed Court.

The *Dichosa Estrella* had not any Slave on board at the time of capture, but she had a cargo of Slaves purchased and ready for embarkation on the shore, collected from the different Slave-trading stations in the vicinity of Trade Town, Grand Bassa, Petit Bassa, Grand Corron, &c.

and some of the Slaves purchased at these places had been, according to information received by Captain Knight, conveyed from those places to Trade Town on board the Estrella.

The vessel was detained in order to ascertain this fact, and a negotiation was opened between Captain Knight and the Native Chief at Trade Town, for the purpose of obtaining the delivery of the Slaves kept in depôt on shore. A number of those Slaves was sent off in consequence, and, of these, four were put on board the schooner. Upon the embarkation of these four, the seizure and prosecution were founded.

As this embarkation, exacted from a Native Chief, could not be considered as an embarkation for the purposes of the traffick on the part of the Master of the vessel, the Court, according to the judgment formed under circumstances of a similar embarkation in the preceding case of the Spanish schooner Rosalia, taken in the Rio Pongos, by His Majesty's brig Thistle, Lieutenant Hagan, would have felt itself bound to decline passing a decree of condemnation, until proof should have been given of some prior shipment of a Slave or Slaves for the traffick. A delay of judgment on this ground did in fact take place at the request of the Agent for the Captors after the first hearing.

The vessel had been previously wrecked on the coast of Mesurado, on her way to the Colony.—The natives had made an attack on the wreck, and carried off nine of the Slaves. The remainder, twenty-five in number, had been preserved from the rapacity of these barbarians, by the prompt and gallant assistance of the inhabitants of the new American settlement at Mesurado. The Slaves thus rescued were brought to Sierra Leone in the American schooner Augusta, with the prize Master, Mr. Maclean, midshipman of the Morgiana, and the rest of the prize crew.—Mr. Maclean died on board the Augusta shortly after her arrival at Sierra Leone. The Master of the Dichosa Estrella had gone on board a French vessel on the passage to Sierra Leone, before the shipwreck, and that vessel made sail immediately after and took him away, consequently there was not any claim at that time.

On the arrival of Captain Knight, with the Morgiana, the Mate of the Dichosa Estrella presented himself as a claimant, but the Court did not consider the grounds of his application sufficient to warrant his appearance in that character.

The Court having considered such further evidence as Captain Knight was enabled to furnish, and having seen a report from the Registrar, who, upon confronting the Slaves of the Estrella with the seamen of that vessel, by order of the Judges, stated, that several of the said Negroes pointed out one of the seamen, named José Rido, as the person who purchased them at Trade Town, and that the said Negroes appeared generally to recognize each other, as belonging to the said schooner.

The Court was of opinion, that as the schooner Dichosa Estrella was no longer in existence, having been wrecked on her passage to Sierra Leone, without any imputation of misconduct or negligence on the part of the Captors, and as some deficiency remained with respect to proof of the embarkation of a Slave or Slaves for the traffick prior to the embarkation, exacted from or through the Native Chief at Trade Town, (which deficiency, however, Captain Knight was confident that he should be enabled to supply, if the ulterior destination of the Morgiana did not take him away from the coast)—the judgment most appropriate to the circumstances of the case would be to declare, that the Dichosa Estrella was justifiably and legally detained, so to bar any attempt to bring actions against the Captors; and that the Slaves belonging to her should be specially emancipated in the same manner as the Slaves belonging to the Rosalia.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 11.)

Affidavit of Christopher Knight, Captain of His Majesty's Ship Morgiana, in the Case of the Dichosa Estrella.

I, CHRISTOPHER KNIGHT, do hereby swear, that, on the 14th of March, 1822, I boarded the Spanish schooner Dichosa Estrella, off Trade Town, and ordered her to keep company with me, until I had obtained further information as to the truth of what two natives had told me, who came from Trade Town in their canoe.

The story of the above men was, that the schooner had landed some Slaves at Trade Town, whom she had bought at other places, and that she had above one hundred, purchased and in irons on shore.—The Mate had come on board the ship at first with the papers; but in order to make further enquiries, I sent for the Master also.—As I intended to anchor at Trade Town for the night, and that was also the destination of the schooner, I gave the Master directions to order his vessel to follow us there.—A tornado came on, which drove the schooner far to leeward, and the next day, as the crew on board her did not seem to make the necessary exertions to rejoin us, the Master (Larose) urgently requested me to send an Officer from the Morgiana to bring her up.—I accordingly sent a Midshipman and some men, with orders to tell the Spaniards, that he came by *their Master's* wish to work her up to Trade Town.—It did not suit my views at that time to run the Morgiana to leeward. I conceived it to be my duty to have a true statement from the King, or else more evidence from other of the natives than the first two that had come off. As the wind did not allow the ship to get close in with Trade Town, until the

16th, and my original informants persisted in their story, without the least prevarication, I sent a boat on shore to demand the Slaves actually belonging to the *Dichosa Estrella*. — The King instantly promised full compliance, and soon after sent off twenty-nine to the ship, alledging as an excuse for not sending the remainder, that the people who had had charge of them had fled into the woods on the near approach of the *Morgiana*, and left the Slaves to themselves, who, in consequence, had fled also. — The King, however, said he would use every endeavour to find them, and send them off. At this time I had not fired a shot either at or near the town. — When the schooner came up, and anchored near us, I told the Master not to conceive that I had then captured his vessel, but that, as I had met him under such suspicious circumstances, I was fully authorized to examine minutely into the affair. — The Master allowed I was correct in so doing, and wanted to compromise for his safety, by the private offer to me of having all the Slaves, and allowing him to make his escape with the schooner. After such proposal, as the King had not sent any more Slaves off, I fired a few shots over the town. Soon after it was reported to me, that a canoe had come off with five Slaves, I immediately ordered her away; but, in the mean time, one of the five had been put on board this ship; I put that Slave with the other twenty-nine, and sent the canoe away with the other four. — I believe she pulled towards the schooner. — Soon after it was reported to me, that there were four Slaves on board the schooner, I then sent an Officer to her, who was qualified to seize Slave-vessels, the Officer was the Master of the *Morgiana*. At the same time, I told the Master of the schooner (*Larose*) that I should send his vessel to Sierra Leone for judgment, but that he was to go in her that he might defend his own cause.

The Supercargo had constant opportunities of seeing me, had he chosen to have done so: he did not appear. — A young man, who acted as Clerk to the Supercargo, came off; he declared in the presence of me, and nearly all the Officers, by means of an Interpreter, that the Supercargo had purchased one hundred and ten Slaves for the schooner. I do further swear, that the Master (*Larose*) did own to me that he was a Frenchman, and it appears by the two registers, that he had, until very lately, actually been employed under the flag of France.

That the Master of a Spanish Slave-vessel should not be a native Spaniard, is in express contradiction of Article Fourth of the Treaty between Great Britain and Spain. This last circumstance would have induced me to send the schooner in, had I had no other plea against her.

(Signed)

CHRISTOPHER KNIGHT,
Commander of H. M. S. *Morgiana*.

Taken and sworn, this 12th Day of June, in the Year
of Our Lord, 1822, (being written on two sheets) before
me, (Signed) D. W. HAMILTON, Registrar.

No. 12.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

THE case of the Spanish schooners *Vecua* and *Icanam*, of which an abstract is inclosed in this despatch, has a new and painful characteristic in the hostility and violence opposed by those vessels to the boats of His Majesty's ships *Iphigenia* and *Myrmidon*, under the command of Lieutenant *Mildmay* of the *Iphigenia*, while these boats were proceeding towards them, with colours displayed, in the full confidence of the peaceful exercise of the legal right of visitation, according to the Treaty between His Majesty and the King of Spain for preventing illegal traffick in Slaves.

This aggression, sufficiently atrocious in itself, was, we regret to state, accompanied and preceded by circumstances which greatly aggravated the criminality of the parties concerned. Three French vessels, at anchor in the same place, were induced to join their fire to that of the Spaniards, and two British seamen were killed and five wounded in the conflict, which terminated in the capture of the French vessels as well as of the Spanish.

These Spanish vessels were of large size, formidably manned and armed; purposely fitted out in order to carry into effect a determination of illegal Slave Trade by force of arms.

The Officers and crews were pledged by special engagements, and further by large benefits depending altogether upon the success of the enterprize, to make every effort for the defence and assistance of the vessels and cargoes

to the last extremity; the seamen were to yield a blind obedience to the orders of the Captain without pretending to inquire into his designs. All further claims were renounced in the event of the loss or capture of the vessels.

These articles of engagement are the same in both these vessels, and they exhibit so distinctly and so forcibly the spirit of lawless violence in which the expedition was fitted out and despatched, that we have thought it our duty to send copies of them, annexed to the case, for your Lordship's more particular information.

The passports of both these vessels, directed to objects of legitimate commerce, have a clause enjoining the Master to bear in mind the penalties attached to the violation of the laws prohibiting the Slave Trade. These passports, as well as the other papers of both ships, name Don Luis Martinez as sole owner of the vessels and cargoes. A seaman belonging to the Icanam, on the authority of the general conversation on board that vessel, stated, that Don Antonio Frias was her sole owner. But there is among her papers a bill of sale transferring her from Frias to Martinez. We are persuaded, however, that the outfit of two vessels of such magnitude, on such an enterprise, was a matter of too much cost and hazard to be the affair of a single individual. Martinez was, we have no doubt, merely an ostensible proprietor, taking upon himself the whole of the disgrace in the event of defeat and capture, and screening more cautious participators, who would be let into their respective shares of the advantage in the event of success.

We trust that the signal defeat which has been sustained in this instance will prevent a repetition of such criminal and desperate adventures.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(First Inclosure in No. 12.)

Cases of the Spanish Schooners Vecua and Icanam.

AS these vessels were the property of the same owner, as they were fitted out together and sailed together from the Havannah, as they were taken at the same time and brought for adjudication one immediately after the other, the cases of both may, it appears, be most conveniently blended in one statement. The facts and circumstances of both are the same in every respect, with the exception of the loss of the Icanam, at Sea, by a tornado, on her way to Sierra Leone for adjudication, by which calamitous event nearly all those who were on board perished.

THE Vecua, Don Vicente Gomez, Master, and the Icanam, commanded by Don Antonio Moreyra, two Spanish schooners of the largest class, were taken on the 15th of April in the River Bonny, in lat. 4, 42 North, long. 7, 22 East, by the boats of His Majesty's ships Iphigenia and Myrmidon, commanded by Lieutenant Mildmay, acting under orders from Commodore Sir Robert Meuds.

The Vecua had on board at the time of capture three hundred Slaves, and twenty-five more were subsequently given up by the Native Chief of the place as belonging to her.

The Icanam had on board three hundred and eighty Slaves.

These facts alone are sufficient to establish the charge of illicit Traffick in Slaves, contrary to the Treaty between Great Britain and Spain.

But there are other facts and circumstances which greatly aggravate that violation, and ought, therefore, not to be passed over without due animadversion.

These vessels were of great force and were formidably prepared with every description of hostile armament. The Icanam had ten guns mounted, and a crew of forty-six men; she was, moreover, amply provided with muskets, pistols, swords, and ammunition. The Vecua was nearly of equal strength, she carried ten guns, of which one was dismounted, and a crew of forty men, supplied in the like manner, with small arms and ammunition.

On the approach of the boats conveying the British detachment the hostile purpose of this armament was immediately disclosed. The Icanam and the Vecua, without shewing any colours,

opened a fire upon the boats of His Majesty's ships as they advanced towards them. Three vessels under French colours, laying at anchor in the same place, joined in this act of unwarrantable violence and hostility; the British boats having at the time their colours displayed and being in progress to the exercise of the legal right of visiting the Spanish vessels, according to the provisions of the Treaty between Great Britain and Spain.

This formidable opposition was overcome by the gallantry of the British detachments; and the vessels of the aggressors were taken with the loss of two men killed and five wounded on the British side.

The guilt of this lawless effusion of blood would be great if it arose only from an immediate concert and combination of illegal Slave traders found on the scene of the transaction. But it appears this outrage was the consequence, not only of a previous arrangement with the immediate co-operators, but also of an earlier design of criminal violence, interwoven with the original outfit of the expedition from the Havannah. This design is exhibited in the fulness of its contemplated atrocity by the papers found on board both the vessels.

Both these vessels, as the papers shew, were the property of Don Luis Martinez, of the Havannah; a seaman of the *Vecua*, examined on the standing interrogatories, represents Don Antonio Frias, also of the Havannah, to be the owner of that vessel; but there is among the papers a bill of sale from Frias to Martinez.

There was among each set of papers a passport for a trading voyage to the Coast of Africa: the same Officer who authenticated these passports had endorsed on each of them a note, declaring that the trade was to be "For raw hides, oil, ivory, and other objects of permitted commerce; the Captain to bear in mind the penalties attached to the infringement of the prohibition imposed by the first Article of the Royal Cedula, dated Madrid, the 17th December 1817, on the purchase of Slaves in any place within the range of his destination."

A particular clause in the articles of agreement, signed by the crew of each vessel, will shew how little this prohibition was regarded.

These men bound themselves to throw all their chests and boxes overboard, as soon as they should arrive on the coast; and further to give up the place assigned for their births in the fore-castle, contenting themselves to lodge wheresoever the Captain should direct.

These covenants could not have any other object in view than that of an enlargement of space, in order to afford the most ample accommodation for a cargo of Slaves.

There are other engagements which shew as distinctly a determination to employ every effort to accomplish that Slave-trading purpose, by force of arms.

The articles of the Captain of the *Vecua* with the owner, covenant for a salary of an hundred dollars for every month, and eight per Cent. upon the gross proceeds of the return cargo; but he agrees to abandon all claims in the event of the loss or capture of the vessel. He had besides an interest of fourteen hundred dollars in the adventure; this share was to abide the general event of the expedition. The Mate of the same vessel was to receive sixty dollars a month, and one dollar for every pipe of oil,—meaning for every Slave; he also abandons all claims in the event of loss or capture.

The seamen of both vessels were to receive, according to their several classes, thirty or twenty-five dollars a month each; they engaged to forego all claims in the event of loss or capture. They further bind themselves to conform to the orders of the Captain, and to all other superior Officers, and on failure in this duty, to submit to all proper chastisement, the forfeiture of their wages being the first penalty, and to yield an absolutely blind obedience in every thing that may be ordered; and that may tend to the successful issue of the expedition, as well during the stay on the Coast of Africa, as on the return, defending and assisting the ship and the cargo with their utmost efforts, even to the last extremity, following the instructions and orders of the Captain, without meddling to ascertain his designs.

These articles, while they hold forth extraordinary advantages to the Captain and other Officers, and to the seamen also, upon the success of the voyage, make those interests altogether dependent upon that success, and thus pledge every one of them in his place to contend to the last extremity against those contingencies of capture or other loss, which would deprive them of their promised benefits.

Under these engagements the vessels sailed together from the Havannah, on the 24th of October 1821, but the *Vecua* having sprung a leak, both put into Porto Rico on the 16th of November, and it appears, by a protest made there by Captain Gomez and his crew, that a letter of instructions given to Moreyra, of the *Icanam*, as commanding the vessel of superior force, directed that they should always keep in company one with the other. They sailed together from Porto Rico on the 27th November, and continued their voyage to Bonny, where they immediately engaged in the Slave Trade.

The engagements which have been recapitulated, and others of a similar nature, point directly to the contingency of falling in with a British ship of war, cruising under the authority of the Treaties for preventing illicit Traffick in Slaves. It was expected, no doubt, that the powerful and united strength of two vessels, so formidably manned and armed, and the determined and desperate spirit with which that strength was to be brought into action, would deter or conquer any force that could come against them, in the recesses of the Slave-trading haunt which they had selected. But these hopes, and the designs connected with them, have happily been frustrated by the gallantry and determination of the capturing party.

To this summary the Commissioners of the Mixed Court have to add their earnest hopes, that the individuals concerned in the outfit of these Slave-trading corsairs will not be suffered to escape with impunity.

The judgement of the Mixed Court was, that the Vecua be condemned as lawful prize to the British and Spanish Crowns, and that the Slaves belonging to her be emancipated.

Sierra Leone, July 24, 1822.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 12.)

(Translation.)

DON VICENTE GOMEZ, Captain and Master of the Vecua, Spanish schooner, and Don Luis Martinez, owner of that vessel, have agreed as follows :

1. The former binds himself to discharge, with all punctuality, the duties annexed to the above offices, and to try at all the ports on the Coast of Africa to collect the cargo of the sorts specified in his instructions ; he at the same time engages not to demand any pay whatsoever in case the vessel should be lost or taken, except his share of what may be saved.

2. The latter binds himself to compensate the pains which the former takes in discharging the functions of both these trusts with one hundred dollars a month, to be calculated from the day of his setting sail, and eight per centum commission on the proceeds of the sale of what may be imported into this harbour.

3. The former binds himself to take out no venture on his private account, as the whole undertaking is understood to be on account of the freighter.

And that both of us may adhere to the above, we have signed two copies of the same tenour, binding ourselves, by every legal form, to abide by and execute what is set forth in the present agreement.

Havannah, September 29, 1821.

(Signed)

LUIS MARTINEZ.

(Third Inclosure in No. 12.)

(Translation.)

RECEIVED from Don Vicente Gomez, the sum of one thousand four hundred dollars, in specie, which just mentioned sum he tenders on account of his share in the Vecua, Spanish schooner, commanded by him, and fitted out for the Coast of Africa ; it being understood that the said Don Vicente Gomez is obliged to abide by the success or failure of the voyage to be performed by the said schooner, conformably with the proportion accruing to him of the expences and the issue of the said adventure, in consideration of the above stated one thousand four hundred dollars, which I place to his credit.

Havannah, October 10, 1821.

(Signed)

LUIS MARTINEZ.

Dollars, 1,400.

(Fourth Inclosure in No. 12.)

(Translation.)

DON JUAN JOSE DE LA ROSA, Boatswain of the Vecua, Spanish schooner, and Don Luis Martinez, freighter of the said vessel, have come to the following agreement :

1. The former binds himself faithfully to serve as boatswain on board the said vessel, and to obey the orders of _____, Master, in whatever may tend to the success of the adventure, engaging to make no demand whatever if she should be lost or taken, excepting his proportion of what may be saved.

2. He also binds himself, in case the superior officers should die, to discharge their functions without any emolument.

3. That Don Luis Martinez, to recompense him for his trouble and employment, gives to Don Juan José de la Rosa sixty dollars per month, and one dollar for a pipe of vinegar.

And that both of us may adhere to the above, we sign two copies of the same tenour, binding ourselves, by every legal form, to abide by and fulfil what is set forth in this agreement, it being understood, that the wages just mentioned shall not commence until the day that the vessel shall set sail.

Havannah, September 27, 1821.

(Signed)

LUIS MARTINEZ.

(Fifth Inclosure in No. 12.)

(Translation.)

DON VICENTE GOMEZ, Captain and Master of the Vecua, Spanish schooner, and Don William Bogue, have come to the following agreement :

1. That Don Vicente Gomez affords the said Bogue a situation on board for the purpose of whatever he may need, as well during his voyage out as on his return, paying to him for his labour, at the return of the vessel, and when the cargo shall be in safety, the sum of two thousand two hundred and fifty dollars, and one hundred dollars per month from the day that the vessel shall set sail from this port, and giving him here, before the departure, a month's pay in advance, on the express condition, that if the vessel be lost or captured he will claim nothing.

2. That I, Don William Bogue, will comply with all that is specified in the preceding article, binding myself to fulfil, in every respect, the directions of the Captain ; and if I should fail in discharging what is laid down in the present agreement nothing shall be paid to me ; on the contrary, I will be responsible for any damages and prejudices that may be occasioned by my remissness.

And as we both have concurred in the above, we bind ourselves, by every legal form, to the performance of the part belonging to each of us, to which end we have signed two copies of the same tenour.

Havannah, October 11, 1821.

(Signed)

WILLIAM BOGUE.

(Sixth Inclosure in No. 12.)

(Translation.)

Articles agreed to by the undersigned Crew of the { Vecua, Don Vicente Gomez, }
Master, Spanish Schooner. { Icanani, Antonio Moreyra, }

1. THAT each of us seamen is to be credited for thirty dollars per month, and each of the boys for five and twenty.

2. That we shall have one month's wages advanced to us.

3. That, as soon as we shall have quitted this port, our board is to consist of bread, flesh meat, and soups, and one day in the week of salt cod or other salt fish, if it can be procured, and of a bottle and a half of brandy a day portioned out to the meals of each mess, composed of ten individuals, it being understood that if the spirits should be consumed previous to our return to this port, the deficiency shall be made up to us in money, according to the price at which brandy may sell at the time of our arrival ; but this shall not apply to coffee, which shall be served out to us morning and evening until we shall reach the coast.

4. That, if this vessel be captured or lost, we shall have no claim, either respecting our wages or on any other account, unless some of the fragments be saved, of which, on being sold, the proceeds shall be shared according to proportion.

5. That we bind ourselves scrupulously to discharge our duties, by paying obedience to all our superiors ; and that if we should fail in so doing, or evince any disposition to transgress any of the articles herein specified, we shall be compellable thereto, and liable to be corrected in the manner we may deserve, more particularly by forfeiting our wages, together with any other remuneration, inasmuch as our submission to the Master and the mates is to be absolutely implicit relative to whatever we shall be enjoined, and what may tend to the success of the voyage, as well during our stay on the Coast of Africa, as while returning thence to this island ; and likewise, that we will defend, and use the greatest efforts in standing by the vessel and her cargo, even to the last extremity, and will comply with the directions and commands of the said Master, nor will presume to interfere in, or pry into, his designs.

6. That on the day of our arrival on the coast we will cheerfully throw overboard any trunks and chests which we may have carried along with us.

7. That as soon as the lading begins to be taken on board we will quit the forepart of the vessel for any other berth which the Master, or, in his absence or disability, some other person, may assign us to occupy and sleep in.

8. That the moment the vessel shall have come to an anchor in any of the different places on the coast to which, according to circumstances, she may be destined, we will keep watch, day and night, until our return to this port without alleging weariness or any other plea.

9. That in case of illness we shall have given up to us the best accommodation that can be found, without any distinction or favour, the same as though it were wanted for the Master.

10. That from the departure of the vessel out of this harbour to her return, two successive topmast watches shall be kept up ; but in case we, the ship's boys, by reason of sickness, or on some other ground, should be insufficient for the discharge of that duty, the seamen shall be obliged to fill up the vacancies which we are not capable of supplying.

11. That we will give security for what we shall receive in advance before quitting this Island, lest a ship's company, consisting of men of character, such as the present individuals, should be obtruded upon by persons likely to injure our credit with the Master and the Mates.

And to the performance of all and each of the above articles we reciprocally bind ourselves, on the one part Don Antonio Moreyra, and on the other the individuals who have signed their names hereinafter, in order that we may at any time be made to fulfil the duties which we are taking on ourselves in the mode and form before stated; the said articles serving as a guidance and rule for our conduct on all occasions; and we disavow, in the most effectual manner known, all such laws as may favour and justify us in infringing the present agreement, to the end that we may not hereafter be competent to put in any claim contrary to its express tenour, and far less if such claim should tend to the prejudice and disadvantage of the Master or the owners of the vessel, in which case we desire not to be attended to or admitted before any Court of Judicature, declaring for the present, and for every time to come, that we alone shall be responsible and liable to punishment, and authorising to that effect the Tribunal to which we shall make application, and furthermore, that the said Tribunal shall impose upon us a fine of five hundred dollars, which we fix as our penalty, the payment of which is to be paramount to all other steps, be the proceedings instituted on the occasion of what nature they may.

Havannah, September 27, 1821.

Note. It is fully understood and agreed upon, that the wages shall not commence until the day that the vessel shall put to sea, an arrangement for that purpose having been made with the Master.

Signatures of Boys,
* * * * *

Signatures of Seamen,
* * * * *

No. 13.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received February 14, 1823.)

(Extract.)

Sierra Leone, August 15, 1822.

WE have the honour to lay before your Lordship the inclosed statement of the case of the schooner *Joseph*. This vessel, under the mask of a pretended Swedish national character, was employed at the time of her capture in carrying on the Slave Trade for the account of one Zachariah Atkins, resident at Matanzas, in the Island of Cuba. This Atkins was also proved to be part owner of the schooner.

The decision of this case was attended with unusual delay and difficulty, arising principally from deficiency of evidence, and from contradictions in the evidence actually produced in some of the most material points. No person could be found to translate a paper in the Swedish language, alleged by the Master and claimant to be a passport for free navigation, and certificate of registry, until the arrival of the *Iphigenia* from her cruize on the Leeward Coast, when a Swedish seaman belonging to that ship gave a translation, which shewed the paper to be merely a certificate of admeasurement.

This discovery, joined with some other circumstances, induced Mr. Gregory to concur in the opinion previously declared by Mr. Fitzgerald for the condemnation of the vessel, on his own view of the questionable paper, as well as of the other evidence.

In the course of the protracted investigation which this case underwent, it assumed different appearances at different periods. At one time it seemed to be the case of a vessel really Swedish, carrying on the Slave Trade for the account of a subject of His Catholick Majesty.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

(Inclosure in No. 13.)

Abstract of the Case of the Schooner Joseph, Krause, Master.

THIS vessel was prosecuted in the British and Spanish Mixed Court, in consequence of a suggestion of the Judge of the Court of Vice Admiralty, in which Court proceedings were first instituted against her on the ground of British ownership, and of several alleged violations of British law. These allegations the Judge in that Court held not to be sustained, but as the vessel had been fitted out for the present voyage at Matanzas, in the Island of Cuba, with circumstances manifesting an intention of carrying off a cargo of Slaves from the coast, and as it appeared, that she had actually been engaged in trading for Slaves, and that a cargo of Slaves was in readiness to be embarked on board of her at the time when she was taken, he considered that there was sufficient presumptive evidence of Slave Trade, in violation of the Treaty between Great Britain and Spain, to warrant the institution of proceedings in the British and Spanish Mixed Court, in order that the real character of the case and its connections may be elicited by the strict scrutiny of the standing interrogatories.

Proceedings were accordingly taken in the British and Spanish Court.

The schooner Joseph was detained on the 26th of February 1822, at the Gallinas, in lat.—by Lieutenant Clarkson, of His Majesty's ship Iphigenia, and a detachment of seamen despatched by Commodore Sir Robert Mends, on board the American schooner Augusta, in search of illegal Slave-traders.

The Master of the Joseph, who also declared himself sole owner, professed himself to be a subject of the King of Sweden, and his vessel to be a Swedish vessel registered at the Swedish Island of Saint Bartholomew, in the West Indies, and navigated under the Swedish flag. But it appeared, by the papers found on board, that she was fitted out on this voyage at Matanzas, in the Island of Cuba, for the purpose of taking a cargo of Slaves from the coast, and that the outward cargo was put on board at that place by one Zachariah Atkins. The log-book, and the ordinary papers of the ship's business, as well as the private papers of the Master, and of the Mate, were in the English language. There was a Spanish clearance from Matanzas, describing the vessel as Swedish, and naming Krause as the Master. This paper stated, that the goods of the outward cargo were shipped by Atkins, as consignee of the vessel, for the account and risque of the Master. There were two papers, dated at Saint Bartholomew, the 15th of July 1819; one of these was in the English language, and was attested, by a note at the bottom, to be a true copy of the corresponding original oath remaining at the Justiciary's Office in that Island. It was an oath of the Master, Krause, declaring himself to be sole owner of the schooner Joseph, and pledging him, in the event of any sale or transfer of the vessel, to retain and return to the Justiciary's Office in that Island the passport obtained for her, so as to prevent use thereof being made by any other person than the said Johan Krause.

There was not any Slave on board at the time of seizure, but a note written by the Master on shore at the Gallinas to the Mate on board, mentioned, that they had begun to send him some Slaves, and that he hoped to be ready on the 25th. This was the day preceding the capture.

A claim was given by Krause, in which he stated himself to be Master and owner of the vessel; a subject of the King of Sweden, and an inhabitant of the Island of Saint Bartholomew. In an affidavit annexed to the claim, he swore, that he was not engaged in the unlawful Traffick in Slaves; the same affidavit states, that the King of Sweden was not a party to the Treaties of Mixed Commission; and, therefore, the detention of the said Swedish schooner Joseph, was unlawful.

In his examination on the standing interrogatories, Krause declared himself Master and sole owner of the vessel and cargo, that he was a subject of the King of Sweden, that his vessel was navigated under the Swedish flag; and that he had not engaged in Slave Trade.

One of the seamen of the Joseph, named Michael Roddy, called Zachariah Atkins, of Matanzas, as part owner of the vessel, and owner of the whole of the cargo; he believed this, because he had heard Mr. Atkins say so. This man swore also, that seven men Slaves and one woman Slave had been taken on board the Joseph at the Island of Bulola, but had been landed again through fear that some of the men of war might come and find them on board.

Krause acknowledged the fact of this shipment and relanding, but explained it by stating, that he kept these Slaves for the accommodation of a person of the place, named Jack Simpson, whose premises were crowded.

Others of the seamen, examined in the cause, declared themselves unable to explain this shipment and relanding; they were also unable to give any information respecting the ownership of the vessel, or her cargo.

No translation of the Swedish paper could be obtained.

On the 17th of May, the cause came on for judgment.

Mr. Gregory, considering the fact, that the Joseph was cleared out by the Spanish Custom House, at Matanzas, as a Swedish vessel, that she was so cleared out upon the authority of the papers before the Court; considering that it did not appear that Atkins interfered directly, or indirectly, with the vessel or her crew, and, on other grounds also, regarding the Joseph as a Swedish vessel, was of opinion, that she was not liable to the operation of the Treaty between Great Britain and Spain for preventing illegal Slave Trade.

Mr. Gregory, in the course of the observations made by him upon some of the arguments of

the Proctor for the Captors, and upon the case generally, expressed an opinion that Foreign vessels, that is, vessels not subject to the Powers, parties to the Treaty, could not be adjudicated under the Treaty betwixt Great Britain and Spain, which he thought solely authorized the visit, detention and adjudication of British and Spanish vessels. Mr. Gregory further entertained the idea that the British and Spanish Court of Mixed Commission could not exercise a jurisdiction over, or proceed to the adjudication of Spanish or British property that might be on board of such Foreign vessels. In support of his opinion, Mr. Gregory referred to the different Slave Trade restriction Treaties, which only allowed to Great Britain a very qualified right of search over Spanish, Portuguese, and Netherlands vessels: to the late Act of Parliament granting bounties to captors of Slave vessels of such Nations; and to the case of the French vessel *Le Louis*, that was decided in the year 1817, by the Judge of the High Court of Admiralty in England.

Mr. Fitzgerald's opinion was, that, according to the third clause of the fifth article of the Treaty between Great Britain and Spain, Slave Trade carried on for Spanish account, under any flag whatsoever, was subject to the operations of the Treaty, and that vessels so trading might be visited and detained accordingly. But in the present case, regarding the Swedish paper, from its aspect, and such examination as he could give to it, merely as a paper of measurement, and considering the evidence of Roddy as more credible and better sustained than that of Krause, he held it to be proved, that Zachariah Atkins, of Matanzas, was part-owner of the schooner *Joseph*, as well as sole owner of her cargo: his impression was also, that the embarkation of the eight Slaves taken on board at Bulola was for the purpose of the traffick. He, therefore, thought that the vessel, and any part of the cargo that might be remaining on board, should be condemned as lawful prize to the Crowns of Great Britain and of Spain.

His Majesty's Commissioners, thus differing in opinion, left no means untried to lead them to a better and more uniform understanding, but neither the additional evidence obtained, nor the repeated conferences upon the questionable points, led to any decisive result. No person competent to translate the Swedish paper could be found until the arrival of His Majesty's ship *Phigenia*, from the cruise to the Southward. A Swedish Seaman on board of that vessel having furnished a translation, which shewed that paper to be merely a paper of measurement, Mr. Gregory reconsidered the case, and finally concurred with Mr. Fitzgerald in a judgment of condemnation against the schooner *Joseph*.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

No. 14.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, September 25, 1822.

I HAVE to acknowledge the receipt of your despatch of the 17th of March 1822, (Spain), stating the condemnation by you of the Spanish schooner *Rosalia*; and inclosing your respective opinions on the case of that vessel.

This case has received the serious consideration of His Majesty's Government, and, with reference to the probability intimated by you, that a disposition to make captures in similar cases is likely to arise from the judgment you have pronounced on the *Rosalia*, I hasten to press upon your attention the following observations:

The Treaty with Spain, under which you act, had limited the forfeiture of the property to ships having Slaves actually on board for illegal trade at the time of capture; and the subsequent extension of that provision of the Treaty to the case of a ship having had a Slave or Slaves on board of her for illegal trade at any time during the voyage on which she was detained, while it enables you to act up to that extension, strictly limits the propriety of condemnation to the cases which may come under that extended provision.

On no other grounds than on those stated in the Treaty, or subsequently agreed upon by the High Contracting Parties, could a sentence of condemnation be with propriety passed upon the vessel.

Now, the opinion given jointly by you in the case of the *Rosalia*, is, that there was no sufficient proof that any one Slave had been on board for the purposes of the traffick before the Captor boarded the vessel; and that those Slaves who were subsequently embarked, were sent on board of the vessel

from the shore at the instance of the Captor, who urged the Native Chiefs to this step, with a view to obtain a colourable pretext for her detention.

You both concur in the opinion, that, under these circumstances, the vessel was illegally captured; and that if any one competent to represent the owner had been present, it would have been the duty of your Court to order her restitution.

It is with much concern, therefore, that I perceive the conclusion to which you have come, in ordering the condemnation of the vessel to the Crowns of Great Britain and Spain; thus, in fact, going beyond the terms of the Treaty, and sanctioning a capture, of which you very properly speak in terms of reprobation; preventing the restitution of the vessel, or her value, unless upon an appeal, and, if no appeal be made, perhaps entitling the Captors to bounties, as if they had made a meritorious seizure.

Full justice is done by His Majesty's Government to the expression of your earnest desire to act up to your instructions, and to the character you hold as Judges to administer justice between the Captors and the captured, "strictly, impartially, and conscientiously;" and due weight is given to the reasons alledged by you for the condemnation; namely, "that there might thus exist a legal custody of the vessel, and an authority for the conversion of the property." But the proceeding taken to obtain this end, I am sorry to observe, is irregular. Under your apprehension of what might happen in deterioration to the property for want of legal custody, directions might more properly have been given by the Court for sale of the vessel as perishable, the proceeds to be delivered to the Governor at the disposal of the Crown:—but a sentence of condemnation, which, according to your own opinion, was not borne out by the evidence adduced, should, by all means, and at all other hazards, have been avoided.—It was your particular duty, and I feel confident you will never again lose sight of it, to decide conscientiously according to the Treaty, and to rely on the wisdom of the Legislature to provide a remedy for the inconveniences that might result therefrom.

I have expressed myself thus plainly upon the subject, not from any doubt of your proper feeling, but to guard you against similar errors in future, lest the difficulties of your situation should lead you to do that, which, not being pursuant to the Treaty and Act of Parliament under which you are appointed, may establish a precedent, encouraging British Officers to repeat a conduct so reprehensible, as that pursued in this instance by the Captor of the Rosalia.

I am &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 15.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, September 25, 1822.

IN reference to your despatch of the 15th of December 1821, regarding the abuse practised by the Colonial Authorities of Spain, in the renewal of the Royal Licences formerly granted by the Spanish Government for carrying on the Traffick in Slaves; I send to you, for your information, the translation of a note, dated the 3d of June 1822, received by His Majesty's Minister at Madrid, from the Spanish Minister for Foreign Affairs; by which you will perceive, that His Catholick Majesty has sent out orders for preventing a repetition of similar abuses.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 16.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, October 25, 1822.

I have received your despatch, dated the 24th of July 1822, regarding the detention of the Spanish schooner, *Dichosa Estrella*, in which the attention of His Majesty's Government is called to the peculiar circumstances attending the shipment of the Slaves on board of that vessel, subsequent to her detention by His Majesty's ship *Morgiana*.

The case of this vessel so much resembles that of the *Rosalia*, upon which I had to convey to you the sentiments of His Majesty's Government in my despatch of the 25th of September, that I have on the present occasion only to refer you to that despatch, and to communicate to you, confidentially, the copy of a letter written under my directions to the Secretary to the Admiralty upon that subject, so as to serve for a guide to you in as far as your judgments may have to bear upon the point in question, in future cases. I also send you the answer which has been received at this Office from the Admiralty.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

(First Inclosure in No. 16.)

Joseph Planta, jun. Esq. to J. W. Croker, Esq.

(Confidential.)

SIR,

Foreign Office, Sept. 30, 1822.

IN reference to your letter of the 7th of March 1822, upon the subject of the capture of the schooner *Rosalia*, by Lieutenant Hagan, of the gun-brig the *Thistle*, I am directed by Mr. Secretary Canning to send to you, confidentially, for the information of the Lords Commissioners of the Admiralty, the copy of a despatch from His Majesty's Commissioners at Sierra Leone, dated March the 17th; and of one, which, by His Majesty's command, Mr. Canning has addressed to His Majesty's Commissioners at that Settlement, upon the subject in question: and I am to request, through you, their Lordships' attention to this instance of the great misconception of the powers given to the commanders of His Majesty's ships, for enforcing the provisions of the Slave Treaties, and to the mischiefs which may result therefrom, unless due caution be exercised by His Majesty's Officers engaged upon this service.

There can be no doubt that Lieutenant Hagan transgressed the bounds of his duty, in making himself instrumental to the shipping the Slaves, or the holding them in captivity, for an instant, though for the purpose of affording an occasion of seizure: and their Lordships will feel that, while it was the object of the Treaty to simplify the remedy against illegal Slave Trade, by the exclusion of loose and interested suspicions on the part of seizers, and thereby also to prevent cavils and objections, and the danger of disagreements between the two Governments, the objects of the High Contracting Parties are likely to be defeated, by a conduct on the part of His Majesty's Officers, similar to that pursued in the present instance by Lieutenant Hagan.

Under these circumstances, it will be for their Lordships to give such instructions as they shall think proper to the Officers under their controul, employed to carry the Treaty into effect, with a view to avoid these experimental seizures in future.

I am, &c.

(Signed)

J. PLANTA, JUN.

J. W. Croker, Esq.
&c. &c. &c.

(Second Inclosure in No. 16.)

J. W. Croker, Esq. to Joseph Planta, jun. Esq.

SIR,

Admiralty Office, October 15, 1822.

HAVING laid before my Lords Commissioners of the Admiralty your confidential letter of the 30th of last month, with the papers which accompanied it, respecting the circumstances under which the Spanish schooner *Rosalía* was detained on the 11th of January last, in the Rio Pongas, by Lieutenant Hagan, of His Majesty's gun-brig *Thistle*; I am commanded by my Lords to acquaint you, for the information of Mr. Secretary Canning, that their Lordships have directed the Officer commanding His Majesty's squadron on the Coast of Africa, to convey to Lieutenant Hagan their decided disapprobation of his conduct on the occasion alluded to; and to issue such instructions to the commanders of the several vessels under his orders, as may prevent the repetition of such a proceeding.

And my Lords have stated the circumstances of the case to the Lords Commissioners of His Majesty's Treasury, with a suggestion, whether there are not means to prevent Lieutenant Hagan's enjoying any advantage by his irregularity.

Joseph Planta, jun. Esq.
 &c. &c. &c.

I am, &c.
 (Signed) J. W. CROKER.

No. 17.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 10th, 1823.)

SIR,

Sierra Leone, Dec. 10th, 1822.

WE have the honour to inclose for your information an abstract of the case of the Spanish Slave-trading schooner, *Josefa*, (alias *Maracayera*,) detained on the 19th of August 1822, off Bonny, in lat. 3 N., lon. 6, 35 E., by His Majesty's ship *Driver*, Captain Wolrige.

The *Josefa* arrived at Sierra Leone on the 28th of September; and on the 5th of October she was condemned as lawful prize to the crowns of Great Britain and Spain, and the Slaves belonging to her were emancipated: they were one hundred and eighty-three in number.

Any matters connected with this case that appeared worthy of particular notice are made prominent in the abstract enclosed so as not to require that we should trouble you with the repetition of them here. It seems, however, to be a mere ordinary case of Spanish illegal Slave Trade.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

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

(Inclosure in No. 17.)

Abstract of the Case of the Spanish Schooner JOSEFA, (alias Maracayera) Joseph Moyano, Master.

THE Spanish schooner *Josefa*, (alias *Maracayera*) Joseph Moyano, master and part owner, was taken on the 19th of August, off Bonny, in lat 3 N. long. 6, 35 East, by His Majesty's ship *Driver*, Captain Wolrige. She had on board at the time of capture two hundred and sixteen Slaves.

The *Josefa* sailed from the Havannah, on the 16th of April, with papers for a voyage to the Coast of Africa, for objects of legitimate commerce; ivory and wax, gold-dust and palm oil, are mentioned among the articles for which the Master was to trade.

The passport is indorsed with an express prohibition against taking any slaves from the coast, under the most severe penalties of the Royal Orders, and of the Articles of the Code.—This passport had been originally issued to Juan Bautista Zavala, for a similar voyage, accompanied with

similar conditions, on the 11th of August 1821. It was renewed in favour of the new Captain, Joseph Moyano, by a note dated the 9th of April 1822.

Another schooner, named the Galga, left the Havannah in company with the Josefa, apparently for the same destination; but having become leaky soon after putting to sea, she was obliged to make the best of her way for Charleston in order to repair. A considerable number of other vessels sailed at the same time under convoy of a French frigate, but it does not appear that any other but the Josefa and the Galga were destined for the Coast of Africa.

The Josefa came in sight of the coast a little to the northward of Sierra Leone, on the 25th of May: on the 26th and 27th, she was in sight of Sierra Leone. She passed on the following days by the shoals of St. Anne: on the 31st of May she was off Cape Mount.

On the 4th of June she came to an anchor in Gallinas roads, where the Captain went on shore with patterns of his goods, but not succeeding in his efforts to establish a trade, probably on account of the full occupation of the market by a French brig and schooner, to which another schooner of the same nation was added in a day or two after, the Josefa sailed again on the 8th. Passing down the coast, the Master landed again at Grand Bassa, and subsequently at Trade Town, where it was found, according to an entry in the log-book, impracticable to hold the trade. One or two schooners, apparently French, were hovering off these places. From Trade Town, the Josefa ran directly to Bonny, where she anchored on the 30th of June; arrangements for obtaining a cargo of Slaves were commenced on the first days of July, and continued until the sailing. On the 21st of July, the boats of His Majesty's ship *Driver* visited the Josefa, and Lieutenant Saumerer endorsed a note of the visit on her principal papers. On the 17th of August, every thing was in readiness. On the morning of the 18th, the Slaves were embarked and the vessel sailed. On the same day she was seen and chased by the *Driver*, and was taken by that vessel on the morning of the 19th. On the 28th of September, the Josefa arrived in the harbour of Sierra Leone, and the Marshal of the Courts of Mixed Commission visited her in pursuance of a general Order of the Commissioners, made with a view to ascertain, at the earliest possible moment, the actual condition of the negroes, in order that appropriate relief may be afforded without delay, in every instance in which the state of these victims of unfeeling and criminal avarice should render such relief necessary.

The report of the Marshal gave the Court to understand, that the vessel had lost thirty-two Slaves in her passage to this port, and that of one hundred and eighty-three who remained on board, twenty-six were labouring under various disorders.

This report was immediately followed by an affidavit from the Prize Master, Mr. Lane, stating, in addition to the circumstances mentioned in the Marshal's report, that the negroes were affected with that fatal desperation which so often impels Africans on board of Slave ships to throw themselves into the sea, and to adopt other means of self-destruction. A petition for the immediate landing was dispatched without delay. His Excellency, Governor MacCarthy, having on similar information from the captors, given corresponding orders, the landing was carried into effect at six o'clock on the ensuing morning, and very soon after that hour the negroes were conducted to Regent Town, by settled residents of their country, whose conversation had already relieved them from their terrors and put a stop to their desperate designs of self-destruction.

The Master of the Josefa had been, at his particular desire, allowed to leave the vessel and to go to Prince's Island, on account of the reduced state of his health; the witnesses examined were Juan de Sierra, the second Mate, and Joze de Zabala, the third Mate, both of whom declared that the whole of the Slaves on board at the time of capture, were embarked at Bonny.

The facts of this case being so clearly in violation of the Treaty between Great Britain and Spain, the Commissioners, without any remarks, adjudged the vessel to be condemned as a lawful prize to the two Crowns, and the Slaves on board of her to be emancipated.

The Slaves on board the Josefa were all males, and with the exception of a very few, all full grown men. Mr. Gregory having questioned the second Mate concerning the cause of this extraordinary fact, the answer was that they were intended for the coffee plantations, for which males were better adapted.

The cause of not trading at Gallinas, was said to be the high price asked for the Slaves by the Chief at that place.

Some seamen belonging to the *Vecua* and *Icanam*, taken by Commodore Sir Robert Mends, had embarked on board of the Josefa, for a passage to the Havannah. They state that the French vessel left at Bonny by Sir Robert Mends sailed shortly after with a cargo of Slaves: another French vessel arrived subsequently. No Spanish vessel had been at Bonny since the capture of the *Vecua* and *Icanam*, until the Josefa arrived there.

With reference to the short stay made by the Josefa, and her touching in the same transient manner at all the Slave-trading stations along the coast as far as Trade Town, whence she ran for Bonny, Mr. Fitzgerald has been informed by the traders of the Colony who resort to the Gallinas, that Spanish Slave trading vessels do not remain at that or at the neighbouring stations unless they can make arrangements to secure an immediate supply of Slaves. Their practice is to run along the coast, trying every place in succession, and not to remain stationary until they find a place where they can be suited. The Slave Traders conceive that they, in this manner, avoid the exposure to the cruizers which must be incurred when the Slave Trading vessels remain off a Slave market of slow and tedious influx from the country, and when they come to one where the factories are full, they all calculate on getting clear off before they shall be discovered.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

No. 18.

Mr. Secretary Canning to the British Commissioners at Sierra Leone (and those at the Havannah.)

GENTLEMEN,

Foreign Office, May 16, 1823.

IN reference to the instructions conveyed to you by the late Marquess of Londonderry in his despatch of February 19, 1819, inclosing copies of the Treaty concluded at Madrid, September 23d 1817, for preventing illegal Slave Trade; and, in reference to subsequent correspondence, regarding a proposed extension of that Treaty, I now furnish you with ten copies of certain Articles, explanatory of, and additional to that Treaty, which were signed at Madrid on the 10th of December 1822, between the Plenipotentiaries of His Majesty and of the King of the Spains, duly authorized to that effect.

You will consider these Articles as binding upon you, for the guidance of your conduct, in giving effect to His Majesty's intentions in regard to the stipulations therein recorded.

I am, &c.
(Signed)

GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone and the Havannah.

SIERRA LEONE.---(Portugal.)

No. 19.

*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received July 21.)*

MY LORD,

Sierra Leone, March 15, 1822.

WE have much satisfaction in being enabled to acquaint your Lordship, that the instructions conveyed in your Lordship's despatch of the 30th of October 1821, (received the 29th of January 1822), intimating, that the Mixed Courts should be considered as open to all persons, whilst the Commissioners are engaged in the exercise of their judicial functions, have been fulfilled in the British and Portuguese, as well as in the British and Spanish Mixed Court.

Although the absence of immediate judicial business rendered the duty less pressing in the Portuguese Court, we lost no time in making the proper communication on the subject to Mr. Altavilla, verbally in the first instance, and subsequently by letter, of which we have the honour to inclose a copy. Mr. Altavilla expressed a feeling of difficulty in consequence of having referred this point to his Government.

On receiving the duplicate of your Lordship's letter of the 30th of October, containing a postscript with reference to certain documents in the printed correspondence, indicating dispositions on the part of the foreign Powers engaged in the Mixed Commission Treaties to comply with the desires of Great Britain on these heads, we availed ourselves of the opportunity to strengthen our representation to Mr. Altavilla by these authorities; and when, on the 2d of March, the Portuguese schooner Conde de Villa Flor was brought in for adjudication, we took the liberty to employ those instances for immediate compliance with the object of your Lordship's desires which the occasion required.

Mr. Altavilla favoured us with the very satisfactory answer, a copy of which accompanies this despatch.

A preparatory sitting was holden on the 5th of March, at which a Minute of Court was passed declaring the sittings open; a copy of this Minute was affixed in front of the Court, and an official notification was made to Governor Sir Charles MacCarthy, a copy of which notification, with a copy of his Excellency's answer, we inclose.

In pursuance of these arrangements, the Registrar proceeded, with open doors, to take the depositions in the case of the Conde de Villa Flor, on the 6th of March, and following days; and on the 13th instant the opinions of the Commissioners in the case were delivered in judgment in open Court.

We trust that the course pursued by us in these matters, will be approved by your Lordship.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(First Inclosure in No. 19.)

The British Commissioners to the Portuguese Commissioner.

SIR,

Sierra Leone, February 1, 1822.

IN pursuance of instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission, established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all persons when the Commissioners are engaged in the exercise of their judicial functions, we have the honour to invite you to concur in an order and declaration to that effect, in the instance of the British and Portuguese Court.

We, at the same time, have the honour to request your attention to pages 106, 134, and 161, of the volume of printed papers which accompanies this, in which pages you will see the opinions of your own Court, and those of the other Courts connected with the Mixed Commissions, decidedly expressed, in coincidence with the wishes of His Britannick Majesty's Government on this subject.

We have the honour to be, &c.

J. Altavilla, Esq.
&c. &c. &c.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 19.)

The Portuguese Commissioner to the British Commissioners.

(Extract.)

Sierra Leone, March 5, 1822.

MR. ALTAVILLA presents his compliments to Messrs. Gregory and Fitzgerald, and, in answer to their note, begs leave to state, that he deferred answering their communication, in the hope of receiving some instructions from his Government, on the subject of opening the Court of Portuguese and British Commission; but, as none has arrived, Mr. Altavilla is not aware of any objection that can be made to the opening of the Court, and, therefore, coincides in the wish to render the sittings of the Mixed Court open to all persons, when the Commissioners are exercising their judicial functions.

(Third Inclosure in No. 19.)

The British Commissioners to Governour MacCarthy.

SIR,

Sierra Leone, March 5, 1822.

WE have the honour to inform your Excellency that, in pursuance of instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission, established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all persons, when the Commissioners are engaged in the exercise of their judicial functions; the order, of which a copy is inclosed, was passed this day in the British and Portuguese Court of Mixed Commission.

Some new arrangements and additional appointments of officers being necessary to the transaction of the business of the Court in an open state, we have the honour to communicate to your Excellency the following nominations: Charles Borrett, Esq., Marshal; Mr. Edward Beck, Deputy Marshal; William Forbes, Tipstaff; Abraham Hazley, Court Keeper.

We beg leave to request that your Excellency will be pleased to order that these appointments be publickly made known in the Colonial Gazette; and, as the object of the publicity of these appointments is to cause the officers so appointed to receive the necessary facilities in the performance of their duties, we further beg leave to request that your Excellency will enjoin all, and every, His Majesty's subjects, to be aiding and assisting to the persons herein named, in the exercise of their official duties.

We have the honour to be, &c.

His Excellency Brig.-Gen. Sir Charles M^cCarthy,
&c. &c. &c.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

(Fourth Inclosure in No. 19.)

Order of the Court.

Sierra Leone, March 5, 1822.

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before Edward Gregory, Esq., His Britannick Majesty's Commissary Judge; Edward Fitzgerald, Esq., His Britannick Majesty's Commissioner of Arbitration; and J. Altavilla, Esq., His Most Faithful Majesty's Commissary Judge.

Present Jas. Woods, Esq. Acting Registrar.

Tuesday, March 5th, 1822.

ORDERED.—That this Court shall henceforth be considered as open to all persons, when the Commissioners are engaged in the exercise of their judicial functions.

By order of the Court,
(Signed) JAMES WOODS,
Acting Registrar.

(Fifth Inclosure in No. 19.)

Governor MacCarthy to the British Commissioners.

SIRS,

Government House, Sierra Leone, March 8, 1822.

IN answer to your letter of the 5th instanc, received yesterday, transmitting a copy of an order which had passed on that day in the British and Portuguese Court of Mixed Commission, and stating that new arrangements, and additional appointments of Officers, being necessary to the transaction of the business of the Court in an open state, and communicating to me the nomination which had taken place accordingly: I have the honour to state, that, agreeably to your wishes, I shall order that their appointments be made known in the Gazette, and that I shall direct all His Majesty's subjects to be aiding and assisting the persons named in your letter, in the execution of their official duties.

I have the honour to be, &c.

E. Gregory, Esq. and The Hon. E. Fitzgerald.

(Signed)

C. MAC CARTHY

No. 20.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received June 21.)

MY LORD,

Sierra Leone, March 20, 1822.

FOR your Lordship's earliest information, in a case of the utmost importance to the interests of the Treaties with Portugal for preventing illegal Slave Trade, we expeate by this opportunity the opinions delivered severally by us in the judgment pronounced upon the Portuguese schooner, *Conde de Villa Flor*, on the 13th instant, in open Court.

The visible fact of a full cargo of Slaves on board of this vessel, and the interested participation of the Governor of Bissao in the property and embarkation of that cargo, were, upon due consideration, regarded by us as sufficient, and indeed as indispensable, grounds for a judgment of condemnation, notwithstanding the distinct breach of the prohibition contained in the second Article of the Instructions to ships of war employed under the Treaties; that, "No merchantmen or Slave ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadstead belonging to either of the two High Contracting Powers, or within cannon-shot of the batteries on shore."

Mr. Altavilla concurred in the condemnation, with a reservation which he did not fully explain, announcing the intention of placing a written statement in the hands of the Registrar.

We trust that this decision will be sanctioned by your Lordship's approbation.

The case has, however, excited much discussion here; and we have reason to think that some degree of uncertainty still prevails among all parties concerned as to the ultimate issue, not merely in the particular instance, but in respect to the correct understanding to be established in consequence, upon the main points which the case involves.

We are, therefore, extremely anxious that the case should have the advantage of your Lordship's consideration before any further seizure should be brought under our view, attended with similar circumstances of locality, without the same countervailing facts of illegal Slave Trade, and criminal participation on the part of the highest Local Authorities.

The papers found on board the *Conde de Villa Flor* were very numerous and very important, comprizing not only documents clearly manifesting the history and character of this voyage, but of other voyages also of this and of other vessels; constituting in fact a complete developement of the system of fraud against the Treaties carried on by combined operations, of which the Settlements of Bissao and Cacheo are the principal scenes.

A selection of the most material of these documents will be despatched by the earliest ensuing conveyance.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c. &c. &c.

(*First Inclosure in No. 20.*)

MR. GREGORY's opinion, pronounced in judgment on Wednesday the 13th of March 1822, on the case of the Portuguese brigantine, *Conde de Villa Flor*, Manoel Antonio da Silva Brandao, Master, detained on the 21st of February 1822, by the boats of His Majesty's ship *Iphigenia*, commanded by Lieutenant St. John Mildmay, acting under orders from Commodore Sir Robert Mends, and prosecuted in the British and Portuguese Court of Mixed Commission, on a charge of illicitly trading in Slaves in the river of Bissao to the North of the Equator.

The case of this vessel is of a nature which, whilst it gives us reason to lament the obstinate depravity that has been the cause of its being brought before this Court, gives us ground to hope that the nefarious practices which have been brought to light, in the evidence now before the Court, and in the letters found on board, which are under our view, will be the occasion of the punishment of those who have, in this case, offended the laws of God and of their country, and will be the means by which the illicit Slave Trade will be checked in a Quarter where it has hitherto been carried on with impunity.

This vessel sailed from Pará, in the Brazils, in the month of July last, with a professed destination for the Cape de Verd Islands, and Cabinda. She arrived at Saint Antonio, and at Saint Jago; at the latter Island she remained about a month, and then proceeded, not for Cabinda, but for Bissao. The Cabinda of M. Brandao, as appears by his papers, is Bissao; and it is worthy of remark that his Brazil associates in the trade have the same idea of the situation of the former place, one of them in an account of Slaves sold at Pará in March 1821, for Brandao, stated them to have been brought from Cabinda, whereas it appears they had been brought by Brandao from Bissao.

At Bissao the cargo was landed, and the Master busily employed himself in the collection of Slaves. At the time of the detention of the schooner the Master had collected what he would term his cargo. The unfortunate beings who formed this cargo, appertained, some of them to the Master, some of them to private persons of Bissao, and some to the Governor of Bissao.

The letter that I have now before me, is addressed to Brandao by a man named Antoine Leger; it is dated Bissao, the 21st of January 1822; an extract from it is as follows:—

“On the present occasion I have embarked on board your brigantine, *Conde de Villa Flor*, six assorted pieces (pessas) of this place; their value is one hundred thousand reis each, and they are consigned to you that you may do me the favour to sell them at your destination to the best of my interests.”

There is also the copy of what appears to have been a letter addressed by Brandao to the Governor of Bissao, Luis Freire de Andrade; it is dated at the time that the schooner was about to depart from Bissao, and is to the effect, that Brandao had received on board ten pieces (pessas) belonging to the Governor, which he would dispose of to the best advantage.

The word pieces (pessas) is explained by the word Slaves, in an entry or account that was made of some Slaves belonging to Leger, that were taken on board of the schooner. These Slaves were entered with the mark by which Leger described his pieces.

Besides the Slaves taken by the Master at Bissao, some were taken by him at the Cape de Verd Islands. And some, it would appear, were to be delivered to Brandao at Bissao, for account of persons at those Islands. The following is an extract from a letter, dated Villa de Praga, the 11th of November 1821, addressed by Francisco Cardozo de Mello to Brandao :

“ My friend, should my cousin, Senhor Pedro Souberve, deliver to you some logs of blood-wood (paos de sangue) on my account, I hope that you will do me the favour to receive them, and to take them with you to Marauham, or whithersoever you may proceed with your own ; that you will take them under your own consignment, and do with them as if they belonged to you ; and that on your return you will bring me their value in metal, or in goods upon which something may be gained here. In short, I expect that you will act as if they were your own ; and I have only to add my hope that you will give me the opportunity of serving you.”

After the explanation of the word pieces, I need scarcely explain what the term blood-wood means. It is apparent that by this term was meant, not logs of inanimate substances, but bodies of human beings, they being to be added to the stock of human beings that Brandao was to collect for his own account.

Another letter, dated Villa de Praga, the 8th of November 1821, is addressed by Antonio José Silva to Brandao ; it is as follows :—

“ My friend, wishing to avail myself of your generous and sincere offer, I take the liberty to send by the present opportunity of the sloop, commanded by Senhor José Bernado Alfama, and under his care, one, who is my carpenter, Francisco by name, in order that you may do me the favour to take him whither you may be destined for my account and risk ; and that you will sell him as a thing belonging to yourself, or to your friend. I remain under an obligation for his freight, and all other expences that you may incur on his account.”

The Master had collected the number of Slaves that the schooner was to carry, had 171 of them on board, and was about to depart from Bissao, when, on the night of the 21st of February, the Conde de Villa Flor was boarded by boats sent from His Majesty's ship Iphigenia, under the command of Lieutenant Mildmay, who, on perceiving that there were Slaves on board, detained the schooner

The declaration of Lieutenant Mildmay is to the effect, that he detained the Conde de Villa Flor in the river Bissao for illicitly trading in Slaves.

Were the illicit Slave Trade that was carried on by the Conde de Villa Flor the only point in question, the present case would have been decided on the conclusion of the examinations of the crew ; but another point, when those examinations had been gone through, arose upon the answer of Sebastiano Marques de Carvalho to the 9th interrogatory. Carvalho said, that “ the vessel was at anchor at the time of the capture under the fort.”

The question of whether this vessel could suffer the forfeit of her Master's illegal acts, under the circumstance stated by Carvalho, was to me a question for consideration, and I trust, in consequence of the novelty of the case itself, that I shall not be deemed to have been dilatory in forming an opinion upon it.

To the depositions of Carvalho have been added the depositions of Lieutenants Mildmay and Stokes, which do not contradict the statements of Carvalho. These gentlemen depose, the first that “ he does not know whether the schooner, or brigantine, Conde de Villa Flor, was within cannon-shot of the fort at Bissao ; that it was about half-past eleven o'clock at night, and quite dark, when he boarded the schooner ; and that he does not know where the fort of Bissao is situated.” The second gentleman deposes, that “ he cannot tell whether the Portuguese brigantine, Conde de Villa Flor, was within cannon-shot of the fort at Bissao, at the time of her detention, not knowing the situation of that Place, nor even that there is a fort at Bissao.”

On the uncontradicted evidence of Carvalho I am required to pronounce my opinion on this case. On the one side is a gross violation of the letter and of the spirit of the Convention, on the other side is an Article of the same Convention, which forbids the detention of Merchantmen or Slave-ships, on any account or pretence whatever, whilst in the port or roadstead belonging to either of the two High Contracting Powers, or within cannon-shot of the batteries on shore.

The opinion that I have formed will not be given upon a solution of the abstract principles of the point in question, for the application of these principles to the present case may be more properly left to the High Authorities in Europe, but my opinion will be given upon a view of the peculiar circumstances of the case itself.

Here is a vessel that has consummated an act that violates the very purpose for which the Convention was framed. Here is a man, the Master of a vessel, who has outraged the laws of his country, who has outraged the laws of God, by a series of systematic and deliberate actions of iniquity.—Here, I regret to say, is a person, the Governor of Bissao, more culpable than the wretch Brandao, who had neither character to lose, nor dignity of situation to support, because, so far from opposing these actions of iniquity, he, the Governor, is the foremost to encourage, to assist, and to join in their execution.

There is no claimant in this case. Shall I then, when these actions obtrude themselves upon me, take upon myself to favour the Master, by rigidly deciding according to the abstract merits of this case ? Shall I take upon myself to decide according to strict points of national-law, and place myself in the situation to favour a man whose crime is as glaring as it is iniquitous ? I shall not, for in the present case I am disposed to give to the second Article of the Instructions, intended for the British and Portuguese ships of war employed to prevent the illicit Traffick in Slaves, the most

liberal and enlarged construction that that Article will admit of. I am disposed to think, that, as a breach of trust, in a person who should be invested with supreme authority in a Colonial Settlement or Possession, never was contemplated by the framers of the Convention, so that breach of trust will be deemed a sufficient warranty for the detention of illicit Slave traders. In the cause of African freedom, in the cause of humanity, such a case as the present, I conceive, will not be adjudged by the strict principles of the independence of Nations, but it will be thought that extraordinary conduct may demand extraordinary measures. This I say with due deference to higher Authorities.

In my opinion this is a case for condemnation; I therefore say, that the Conde de Villa Flor should be condemned as prize to the Crown of Great Britain and Portugal, for illegally trading in Slaves, and that her Slaves should be emancipated.

(Signed)

E. GREGORY.

(Second Inclosure in No. 20.)

Case of the Conde de Villa Flor.

THIS vessel was taken in the night, between the 21st and 22d of February 1822, by the boats of His Majesty's ship *Iphigenia*, commanded by Lieutenant St. John Mildmay, acting under orders from Commodore Sir Robert Mends.

The vessel was taken in the river of Bissao in lat. 11 deg. 47 min. N. She sailed under Portuguese colours, and was the property of a Portuguese subject named Manoel Antonio da Silva Brandao, who acted also as Master. She had on board a full cargo of 171 Slaves destined to be sold at Parà, in Brazil, for the benefit of their respective owners, of whom, as it appears by the answers of the first Mate, Diego de Hoyos, to the 13th standing interrogatory, the Governor of Bissao was one. The fact of that Governor having shipped some of the Slaves, is confirmed by entries in the written memoranda of the shipments of the Slaves, and by other written documents found on board of the vessel.

No claim has been given. The embarkation of these Slaves, and the destination and objects connected with it, are in the ordinary course of the illegal Traffick in Slaves, which the Treaty and the Convention between Great Britain and Portugal were designed to prevent.

No doubt or question could arise respecting the liability of this vessel to condemnation for violating the Treaty and Convention, if the circumstances of the Place in which the capture was made did not interfere with the judgment, and claim prior and peculiar consideration.

The vessel was taken in the river of Bissao, an ancient and well known Settlement of the Portuguese nation. The second Mate, Carvalho, says, in his answer to the 9th standing interrogatory, that the vessel was at anchor at the time of capture under the guns of the fort. This statement is not contradicted by the answers of the capturing Officers to the special interrogatories put to them upon these points. These answers go merely to shew that these Officers were disabled, by the state of the night, from ascertaining the point in question with any degree of precision. The fact may therefore be taken to be as stated by Carvalho.

This brings the case to that particular exception contained in the second Article of the Instructions intended for the British and Portuguese ships of war employed to prevent the illicit Traffick in Slaves which instructions are annexed to the Convention, and, by the twelfth Article of that Convention, form an integral part thereof.

The second Article of the Instructions for British and Portuguese ships of war is in these words:

"No merchantman or Slave-ship can, on any account or pretence whatsoever, be visited or detained whilst in the port or roadstead belonging to either of the two High Contracting Parties, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the Authorities of the Country requesting them to take effectual measures for preventing such abuses."

According to this Article, the Conde de Villa Flor has been irregularly detained and taken; but the question now is, whether that irregularity deprives the British and Portuguese Court of Mixed Commission of its jurisdiction in the case.

It appears that this Article was framed in the confidence which an honourable Government had, that a corresponding sense of honour would be found in the Authorities of its Colonies, so that not even a suspicious vessel could be found in any port or roadstead belonging to any of those Colonies, without a certainty that upon proper representation to the Authorities of the place, effectual measures would be taken to prevent such abuses.

If this case came before the Court merely as a case of suspicion, however strong that suspicion might be, it is probable, indeed I may almost say it is certain, that this Court, imbibing the honourable confidence upon which the second Article of the Instructions to British and Portuguese ships of war is founded; and giving to the Governor of Bissao full credit for a disposition to fulfil the obligations of the Treaties of his Sovereign, and to uphold and maintain the laws of his country, with the good faith due to his exalted station: — It is probable, almost to very certainty I may say, that this Court would decline proceeding to judgment under these circumstances, and would refer the business to the Governor, and to the legal Authorities of Bissao, with a full assurance that justice would be done by them. Such a case of suspicion of the strongest kind properly to be referred to the jurisdiction of the local authorities, may be supposed to exist in the con-

tingency of only a very small number of Negroes being found on board, without any circumstance of connexion with those Authorities; and a question being raised, whether those Negroes were embarked for the purposes of traffick. Under the same circumstances of locality of detention, that, or any similar indifferent case, might be deemed such a one as would be, in strict propriety, to be referred to the local Authorities of the place of detention.

The third Article of the same Instructions makes provision for a departure from the strict observance of the second Article, under particular circumstances. The words of the third Article are these:—

“The High Contracting Parties having in view the immense extent of the shores of Africa to the North of the Equator, along which this commerce continues prohibited, and the facility thereby afforded for the illicit traffick on Points where either the total absence, or at least the distance of lawful Authorities, bar ready access to those Authorities; in order to prevent it, have agreed for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other the power, without prejudice to the Rights of Sovereignty, to visit and detain, as if on the high seas, any vessel *having Slaves on board*, even within cannon-shot of the shore of their respective territories on the continent of Africa, to the North of the Equator, in case of there being no local Authorities to whom recourse could be had, as has been stated in the preceding Article.—In such case vessels so visited may be brought before the Mixed Commission in the form prescribed in the first Article of the preceding Instructions.”

In the construction of this Article, with reference to the present case, there might be some room to consider a Colony, the Governor of which is glaringly implicated in the illicit Traffick in Slaves, in the immediate instance in question, in the situation of a Colony, or Place, having no local Authorities “to whom recourse could be had, as stated in the preceding Article.” But I have been led to form my opinion on a more general view, comprehending the whole of the case as it now stands.

This case comes not as a case of strong suspicion merely; it comes at the same time as a case of glaring fact, of undeniable proof, and of full conviction. The offence of illegal Slave-trading is evident on the view; and is established, upon investigation, by the written documents found on board the vessel, and by the oral testimony of the principal individuals of the crew now on board, including the first and second Mate, in their answers to the standing interrogatories.

It is still further proved, by the same written documents, and by the same oral evidence, that the Governor of Bissao is himself an interested participator in the illegal embarkation, a certain portion of the Slaves being his property, some of them being entered in the memoranda as shipped and received from his official residence, as if all sense of decency was cast off from the Government-house of the Settlement. Other inhabitants of the place are also concerned, some of them to a very considerable amount.

With this full conviction; with the Slaves thus illegally embarked standing before the eyes of the Court; with the written proofs and the testimony of present witnesses to the illegality of the embarkation: can this Court be bound to decline exercising jurisdiction, and to remit the cause to the Governor of Bissao, a convicted participator in the offence—to be judged by him, or by those associated in authority with him, probably associated also in this very transaction, and equally interested in frustrating the course of justice upon it?

It appears to me that such a mode of proceeding would be not only inconsistent with reason and justice, but wholly repugnant to common sense, and altogether absurd.

This case, regarded distinctly from the local considerations arising out of the Place in which the capture was made at Bissao, is a case in which it would be the unquestionable duty of the Commissioners to pronounce judgment of condemnation.

Considering the manner in which the Governor of Bissao is implicated, as well as other individuals of property and apparent consideration in that Settlement, I deem it not merely a matter of fairly assumable right, but a matter of absolute duty, to pass over all regard to the station and authority of that Governor in this case, and to condemn this vessel, as if his name, and that of the Colony over which he so unworthily presides, had never come before the Court in connection with her, farther than for the purpose of being marked with merited reprobation.

If the Person or the Place be regarded, either in the view of a claim to privileged exception, from the application of the rigorous provisions of the Treaty and Convention, or as having a right of privileged and exclusive jurisdiction over all supposed violations within the range of their local authority, they are in both views equally disentitled in this case. Their privileges under the Treaties are, in this instance at least, forfeited by their gross and obvious violations of those Treaties.

Some irregularity will, as a matter of course, be found in this decision by those who may be disposed to infer, from the circumstances of the detention in the first instance, as being contrary to the Treaty, in the departure from the restriction contained in the second Article of the Instructions for British and Portuguese ships of war, that every proceeding, founded upon that detention, must be consequently and progressively affected by that original vice. But in this respect there is only a choice of evils; for if this Court could allow itself to adopt the opposite course, that is, to decline the jurisdiction, and to remit the business to the Governor of Bissao, a much greater irregularity would be committed—an irregularity subverting one of the first principles of the administration of justice—that no man shall be judge in his own cause. By referring this matter to the Governor of Bissao, not only would a party be made judge in his own cause, but a criminal offender would be made his own judge upon the offence which he had committed.

This case is one upon which a special report of all the circumstances must be made to both the Governments concerned in the Treaty violated. It will be for them to decide whether the judgment has been formed with due regard to their reciprocal engagements and obligations; and if

those Governments should be disposed to think, which I can hardly suppose, when I look to the obvious facts and the unquestionable proofs, establishing the embarkation of a full cargo of Slaves at Bissao on board of this vessel in violation of the Treaties, establishing also the guilty participation of the Governor of Bissao in that embarkation; if the Government should be disposed to think, which I can hardly suppose possible under the circumstances, that the fact of the detention, in opposition to the second Article of the Instructions to ships of war, ought to have made it imperative on the Court to dismiss the business from its jurisdiction, and to send it back to Bissao to be decided by the local Authorities; it may at least be confidently hoped that the principles upon which the present decision is founded, will be sufficient to avert reproach from a Court enjoined to decide, not merely according to the letter, but according to the spirit also of engagements, in the execution of which the High Contracting Parties profess a determination to discountenance all manner of fraud; for surely the gross frauds committed against the Treaty and Convention in this case would not be discountenanced if the case was sent back hence to be judged by those who committed them.

The first pages of these observations were written without any particular knowledge of the difficulties presented by the passages in the Instructions to ships of war, as considered in conjunction with the special circumstances of the case by some of the Members of the Court. It appears that these difficulties have arisen from an opinion of the propriety of severing the principal points which the case involves; and of investigating and deciding upon the regularity of the seizure and the legality of the detention distinctly and primarily, without any reference to the point of illegal Slave-trading, however glaring the fact, however gross the circumstances of the violation of the Treaty and Convention must be admitted to be in that respect. I do not think this severance practicable in point of fact, for the same evidence which shews that the vessel was taken under the fort of Bissao, shews, at the same time, that the Governor of Bissao, and some of the principal inhabitants, were interested participators in the illegal embarkation of the full cargo of Slaves found on board of her at the capture, and brought with her to this place for adjudication.

It is altogether impossible to divest ourselves of the knowledge of the illegal embarkation of the Negroes, and of the criminal participation of the Governor and of others of the Settlement in that embarkation, so as to be warranted or enabled to decide on the bare question of the local legality of the seizure without any reference to those other important parts of the case.

What is impossible cannot be required by justice and reason, even in matters comparatively indifferent. But here the matters which in that view would be to be left out of sight, are of the very essence of the justice which the Court of Mixed Commission is charged to administer under the Treaties; and instead of being required by any extraordinary effort to labour to place them out of view, which is impossible, the Commissioners ought always to be studious and careful to keep such facts before their eyes in every case in which they are found.

A fair and solid decision can be formed only upon the full view of the whole case; and upon the full view of this whole case that decision must be for the condemnation of the vessel, and for the emancipation of the Slaves.

The duty of this Court ends here, but the consideration of this case cannot end here; and if the irregularity of the capture in point of local circumstances shall give rise to particular discussions in higher Quarters, there cannot be a doubt that these discussions will extend to and embrace the atrocious criminality of the individuals connected with the illegal Traffick in Slaves, developed and substantiated in the documentary and oral evidence which came under view in the course of the investigation.

(Signed)

EDWARD FITZGERALD.

No. 21.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received July 19.)

MY LORD,

Sierra Leone, April 30, 1822.

AT the close of the proceedings in the case of the *Conde de Villa Flor*, we considered that the peculiar circumstances of the capture of that vessel; and the disclosures made by her papers, of the extensive illegal Slave Trade carried on at the Settlements of Bissao and Cacheo, with an active co-operation at the Cape de Verd Islands, rendered it a matter of duty to communicate to your Lordship, by a vessel then ready to sail for England, such information respecting the case as the limited extent of the time would admit.

We were sensible, at the same time, that larger details of the facts and circumstances connected with the case itself, and with the state of the Slave Trade in those Settlements, and copies of the principal documents by which the facts are authenticated, would be necessary to furnish your Lordship with the decisive information desirable in such an affair, and absolutely necessary for the

authentication of it against the efforts which will, without doubt, be made by those implicated to create a disbelief of the shameful truths established against them.

We will not trouble your Lordship with the difficulties which arose on the first consideration of the case of the *Conde de Villa Flor*. After a full deliberation on the whole of the matters contained in the papers of the vessel, and in the oral depositions, we found that by exercising our jurisdiction the facts in their full extent and enormity would be established beyond the possibility of a question. The documents authenticating them would be indelibly recorded and placed beyond the reach of abstraction. The whole system of concerted evasion and infraction of the Treaties would be made notorious to the world in all its foulness; and the clearness of the conviction, as well as the magnitude of the offence, would raise an irresistible claim for immediate and satisfactory correction.

We could not hesitate to take this course. Mr. Altavilla was also of opinion, that the Court, under the particular circumstances, ought to exercise jurisdiction. The judgment considered appropriate to the case was therefore pronounced.

Mr. Altavilla expressed a wish that a memorandum should be made by the Court, against this case being considered as a precedent to authorize generally the detention of Portuguese vessels, placed as the *Conde de Villa Flor* was at the time of capture; but it was represented to him, that it would be best to leave to the higher Authorities the arrangement of any question that might arise upon the peculiar locality of the capture.

Mr. Altavilla further declared his determination to represent the conduct of the official persons, so improperly concerned with the *Conde de Villa Flor*, in stating the case to his government.

Your Lordship will see, in the papers which accompany this despatch, a proof of three successive Slave-trading voyages made by the *Conde de Villa Flor* between Bissao, Cacheo, and Brazil. The first in 1819-20; the second 1820-21; and the third towards the close of the year 1821, the return from which in 1822 was prevented, by the capture on the eve of her intended departure from Bissao.

In the first of these voyages a fabricated log-book was made out for the return, indicating a voyage from Cabinda. On the second return that log-book was copied and adapted to the new dates: no other alteration was made except in some slight variation of the ordinary remarks at the bottom of the daily page, so as to give an air of novelty upon a light inspection. There is no doubt that the same original would have been made to furnish materials for another transcript on the return from the third voyage, if the capture had not cut off the opportunity.

There are also genuine log-books for these voyages, which, although in some respects disguised, are by means of the latitudes and longitudes noted in the meridian observations, and by other unerring proofs, sufficiently indicative and precise in showing the real port of departure. The conveyance of a cargo of Slaves is expressly mentioned in the log-books professing the voyage to be from Cabinda.

The Master of the *Conde de Villa Flor*, named Manoel Antonio da Silva Brandao, was also the owner of the vessel; he not only traded in Slaves on his own account, as purchaser and proprietor, but he also took the Slaves of other persons on freight and commission, to be sold to the best advantage at the port to which he was bound. In one instance so small an adventure as a single Slave is committed to his care in this way.

The range of these transactions comprehended the Isles of Cape Verd as well as the Settlements of Bissao and Cacheo, and that of Geba also. The Signors Coutinho Lancastre, late Governor of the Cape Verde Islands, and

Correia Barros, late Governor of Cacheo, are personally implicated, as well as the Signor Freire de Andrade, the present Governor of Bissao.

In the log-book for the last outward voyage, the professed destination is from Para to Cabinda, by the way of the Isles of Cape Verd (*com escala para Ilhas de Cabo Verde.*) It is probable that the prior voyages were in the same professed course. From the Isles of Cape Verd the ostensible track of navigation towards Cabinda would lead so nearly to Bissao as to permit that port to be entered without impediment, and probably also without notice. The objects of the co-operating traders may then be carried on conjointly at the Cape Verd Islands as well as at Bissao, by means of the constant facility of intercourse. For the return voyages fortune must have been trusted, and it appears was trusted successfully, until the arrival of the vessel in those seas, in which the fabricated log-book from Cabinda would be available.

The principle upon which these false log-books are fabricated, will be seen in the coincidence of the way made in every corresponding hour of each successive day of the pretended voyages; the observations of latitude are made to coincide equally. The fraud is obvious upon comparing one with the other. But without that comparison the one employed for the occasion may pass unsuspected.

The accesses to Bissao and Cacheo are extremely difficult and dangerous: they are practicable only for vessels of small draft of water; and even for these not without the aid of experienced pilots. The French schooner, *La Suzanne*, and the professed Swedish schooner, *Joseph*, were several times aground in their approaches to Bissao, and could not find the right channel until pilots came to their assistance. The inhabitants of the Bissagos Islands are, moreover, so extremely barbarous and savage, that the Portuguese of the neighbouring Settlements who know them are alone able to hold intercourse with them. The boat's crew of the *Joseph* sent to get a pilot from Bissao, being induced to land on one of those Islands to get a supply of water, were robbed of their boat and of their clothes; and the Master was under the necessity of ransoming them by the mediation of the Governor of Bissao. Some of the people of the French schooner underwent similar extremities.

There is reason to think that the *Joseph* would have taken in a cargo of Slaves at Bissao, if the market had not been pre-occupied and exhausted by the purchases to supply the Conde de Villa Flor, and the Apollo. *La Suzanne*, although large purchases of wax and ivory at the factories in the Bissagos appeared to prove the reality of an intention to deal innocently in articles of country produce, was not altogether unsuspected of a disposition to take Slaves if a favourable opportunity had occurred; the Master of her having recently been the commander of the noted Slave-trading vessel, named *La Scholastique* of Goree.

The local circumstances which have been mentioned caused Bissao to be regarded as a secure and unmolested seat for a covert and persevering Slave Trade. Besides the repeated voyages of the Conde de Villa Flor, the Apollo has been noted, in advices previously received in this Colony, as carrying on a regular Traffick in Slaves from Bissao and Cacheo by the intermediation of the Cape Verd Islands. The Apollo escaped immediately after the capture of the Villa Flor, carrying off her Slaves. She is represented to be a large vessel, capable of carrying a considerable number.

There is also found among the papers on board the Conde de Villa Flor the log-book of a voyage to Bissao in the Spring of 1821, by the schooner *Bella de Dros da Morgueiro*, the property of Elias Coelho Centra of Pernambuco. This book attracted the notice of His Majesty's Commissioners in a particular manner, as the same person was owner of the *Gaviao*; and it was found that a person who was enrolled on the original list of the *Gaviao* as first Clerk (*Jose Maria de Azevedo*), but who, as it was stated in evidence,

had left the Gaviao to go on board another vessel belonging to the same owner, acted in that capacity in this voyage on board the *Bella de Dros da Morgueiro*. No knowledge is furnished by those papers respecting the return voyage of that vessel: but there is every reason to believe that she carried back a cargo of Slaves.

We do not think it necessary to trouble your Lordship with any further detail of observations. The facts exhibited in the papers will themselves present to your Lordship, in a more satisfactory manner, the influences resulting from them, as well as the measures of reformation necessary to put a stop to the illicit Slave Trade, proved to be carried on by means of combined arrangements and co-operating parties, at the Cape Verd Islands, Bissao, and Cacheo, including persons holding the highest Stations, and principally charged with the maintenance of the laws of their country, and of the Treaties of their Sovereign in each of those Places.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(Inclosure in No. 21.)

Abstract of the Papers that were found on board of the Portuguese Schooner Conde de Villa Flor, at the time of her capture off the Fort of Bissao.

In May 1819, as appears by the letters No. 1. and No. 2. the schooner *Boa Uniao*, commanded by Manoel Antonio da Silva Brandao, was boarded by pirates nearly within sight of Para, into which port she was about to enter, and was taken from Brandao with the cargo that she had on-board. Brandao and his crew were set on shore at a desert place at some distance from Para.

There is reason to believe that when Brandao was bereft of his vessel, he was on his return from the Coast of Africa (in all probability from his favourite haunts of Cacheo and Bissao) with a cargo of Slaves.

The memorandum, No. 3, shews that Brandao intended to proceed to the Cape de Verd Islands previously to the voyage in which he was captured, where a schooner named the *Pomba Felix* was to await his arrival. And the letter No. 4. further indicates this intention of Brandao to have been carried into effect. The writer of this letter, Dom Antonio Coutinho de Lancastre, Ex-governor and Captain-general of the Cape de Verd Islands, gives as the reason why Brandao did not go to Porto Praya, because he, Dom Antonio, had surrendered the Government to his successor, Antonio Pusich. The Ex-governor says in conclusion, that Brandao did right not to enter Porto Praya, as affairs were taking another turn, and there was much discontent in consequence. This letter further makes mention of some Slave-trading concerns of the writer with Brandao.

Pusich succeeded Lancastre on the 16th of December 1818. The memorandum No. 3. is dated Para, the 28th of May 1818. The *Pomba Felix* was to proceed to the Cape de Verd Islands to meet Brandao, after touching at the Western Islands, so that the arrival of Brandao at the first named Islands might have been calculated to take place at the close of the year 1818.

The paper No. 5 is a copy of the attestation alluded to in the letter No. 4.

In November 1819, Brandao purchased the schooner *Conde de Villa Flor*. Having loaded her with goods for the African market, he sailed in her from Para on the 1st of December, with a professed destination for the Cape de Verd Islands and Cabinda, as it is mentioned in one of the log-books of that voyage. But the Cabinda in this instance, as in every other that has come under the view of the Commissioners, was Cacheo.

The paper No. 6. shews that Brandao was at Cacheo in May 1820, and the extracts from his account-book, No. 7 and No. 8, shew that Brandao had dealings with the Governor of Bissao, Luis Freire de Andrade, and with another person whom he styles Captain. The papers found on board of the *Conde de Villa Flor* throw but little on this voyage. The system of false log-books, however, is shewn by two log-books relating to this voyage that were found with the other papers.

One of the log-books, written apparently by Brandao, states the voyage to be "from the port of Cabinda to that of Para in the schooner *Conde de Villa Flor* with Slaves," that it commenced on the 4th of July 1820, and that the latitude from whence he, Brandao, took his "departure" was 5 deg. 37 min. South. Long. 13 deg. 4 min. East.

The other log-book appears to have been written by the Mate, Diego de Hoyos, it states that they weighed anchor on the 3d of July 1820; on the same day they saw Cape Roxo at the dis-

tance of nine miles; the Cape is stated to be in lat. 12 deg. 12 min.; it is not said whether it is north or south latitude, but it must, of course, mean north, as Cape Roxo is laid down in Charts under the 12th degree of north latitude. From Cape Roxo the Mate takes his "departure."

In September 1820, Brandao had returned to Para, as appears by the letter No. 9, that was addressed to him by one of his friends at Maranham, who hopes that the next voyage which Brandao intended to make, would be more advantageous.

The paper No. 10, dated September 1820, may relate to the voyage which Brandao had just concluded. It is signed by Fernando José da Silva, the partner and associate of Brandao at Para and expresses the disposal of 162 Slaves that had been delivered to Silva by Brandao.

On the 1st of October, as appears by a log-book, the Conde de Villa Flor, under the command of Brandao, sailed from Para for Cabinda. She is found to have proceeded to Cacheo as usual. The details of this voyage appear more fully than those of the preceding one, and the trading concerns of Brandao with the Governors of Cacheo and of Bissao, and with the subaltern Officers of the Garrisons of those places are brought to light.

The letter No. 11, dated the 31st of December 1820, is from the Governor of Bissao to Brandao; it betrays the Slave Trade that they were then carrying on.

The paper No. 12, is an official note of, and receipt for goods that Brandao had delivered to the Royal Treasury of Cacheo on account of duties of entry and exportation. A sum of 72,000 reis is charged as a duty on goods received by the "Governor."

The number of Slaves that were on board on the 16th of April 1821, is shewn by the paper No. 13. And the memorandum No. 14, shews how some of these Slaves were to be disposed of at "the port of his, Brandao's, destination." Two were to be given to the Judge; one to the Judge's Clerk, or serving man; one to the Cashier of "the Englishman;" two to the Governor's Secretary; and two to the neighbour of Brandao's cousin; some others were to be "given or delivered" to different persons whose stations do not appear.

The letter No. 15, is from Porto Praya, and shews an intention on the part of the writer to engage in the Slave Trade with Brandao.

The accounts No. 16 to No. 29, expose the traffick that was carried on between Brandao and the Governors of Cacheo and Bissao, and with different subaltern Officers of those Settlements. The accounts with the two Governors clearly shew that they were the principal traders at those places; the account No. 16, exposes a sale that was made by Brandao of four Slaves for the account of Jose Correia Barros, the Governor of Cacheo.

There are two log-books of the return voyage of the Conde de Villa Flor, one of them is dated from the 18th of April 1821; and the departure of the vessel is taken from the lat. of 11 deg. 28 m. North, which is about the latitude of the entrance of the river on which Cacheo is situated. The other log-book is dated from the 21st of April 1821; the "departure" of the vessel is taken from Cabinda in 5 deg. 37 m. South Lat.; it is, in regard to supposed solar and lunar, and other calculations, an exact copy of the log-book that was fabricated on the voyage from Cacheo to Para in July 1820; and in respect to the observations usually made on the weather, and on daily occurrences, these observations are often copies of the same fabricated log-book. It is by this means that the illicit Slave-trader may escape from those Authorities who are not willing to see more than the log-book of a Slave vessel, to satisfy themselves that they do not come from a part of the Coast of Africa where the trade in Slaves is prohibited. But a little search, and perhaps but still less inquiry among the Slaves of a vessel, would shew it to have come from Places where the traffick is declared to be abolished. In May 1821, Brandao had returned from Cacheo as appears by the letter No. 30 of his friend at Maranham.

The account No. 31, betwixt Brandao and his partner at Para, Fernando José da Silva, exhibit some items of a Slave-trading nature. The nett proceeds of the sale of the Slaves of the last voyage (the voyage of 1820) sold on account of Brandao, is stated to be 21,372,300 reis or 5936l. sterling. There are some items by which Brandao is credited for freight of Slaves at the rate of 50,000 reis for each Slave, or about 13l. sterling. By another item, Brandao is debited for 892,720 reis or about 248l. sterling, being the nett proceeds of the sale of the Slaves of "the Governor" which proceeds Silva had delivered to Brandao.

On the 9th of July 1821, the Conde de Villa Flor again sails from Para for Cabinda under the command of Brandao. At the close of September she was at Porto Praya, and at the commencement of October at Bissao, as appears by the letter No. 32, which is addressed to the Mate, Diego de Hoyos, by Joao Pereira Barreto at Cacheo.

The letter No. 32, is addressed by Brandao to Jacinto Antonio Pinhel, his associate or partner at Porto Praya. It would appear that Brandao intended to put an end by this voyage to his Slave-trading career, as "provided that it were the pleasure of the Almighty that every thing should be "placed in safety," they would "have reaped a good harvest." His nefarious trade, however, was spoiled by the timely arrival of the British frigate Iphigenia, and the harvest that he was about to store was taken from him.

It would appear that Brandao shipped Slaves at Bissao for Porto Praya, in a sloop named the Maria da Graça, commanded by a person named Alfama. The letter, No. 33, mentions, that the sloop would take 74 slaves, if the family of Captain Marcelino, a person who is mentioned in the letter, did not go in her. The memorandum, No. 34, shews, that the sloop made two voyages to some one of the Cape de Verd Islands with Slaves: the time is not mentioned.

On the 22d of February 1822, the Conde de Villa Flor was captured at Bissao by boats sent from the British frigate Iphigenia, commanded by Sir Robert Mends. The schooner had on board at the time of capture 171 or 172 Slaves.

The memorandum, No. 35, states 109 Slaves to have been received on board between the 10th of October 1821, and the 23th of January 1822. The Governor of Bissao was the owner of

some of the Slaves, as appeared by the depositions of the witnesses who were examined in the case of the vessel.

The letter, No. 36, relates to 6 "pieces" (*pessas*) that were shipped by the writer, Antonio Leger, with the mark N. The 6 "pieces" appear under the denomination of Slaves, with the same mark N in the memorandum, No. 35.

By the letters, No. 37 to No. 41, it appears that Brandao had received, for the account of some persons residing at Porto Praya, a number of Slaves, under the denomination of "pieces" and "blood-wood," one Slave excepted, who is openly designated a carpenter. Brandao, however, in his answer, No. 38, to the man who sent the carpenter, terms the Slave a "piece." (*pessa*.)

The letter, No. 42, terminates the exposure of the actions of Brandao and of his associate, the Governor of Bissao, so far as those actions relate to the Conde de Villa Flor. This letter mentions the fact of the account that existed betwixt them, and that the sloop, Maria da Graça, remained at Bissao, and expresses that the Governor would deliver to her Master whatever he, Andrade, could collect towards the liquidation of their account.

It is to be regretted, that some letters have been mislaid which would further have served to expose the delinquent acts of the Governors of Bissao and Cacheo. A brig, named the Apollo, commanded by Antonio Daniel Baptista Barros, has been lately a carrier of Slaves betwixt Cacheo and Bissao and Maranham. A person named Joao Perreira Barreto, the writer of the letter, No. 32, and lately residing at Cacheo, appeared to be principally concerned in this vessel. The Apollo was at Cacheo or at Bissao last year for Slaves; she was expected to be at Cacheo again in January 1822. She is said to be a large brig, capable of receiving a considerable number of Slaves.

Luis Freire de Andrade, the Governor of Bissao, appears, by the paper No. 43, to have shipped on board of the Apollo, for the purposes of sale, 10 Slaves to the consignment of Antonio Joze Pinto, of Maranham. The letter alluded to in this paper, No. 43, was amongst the mislaid letters; it was signed by Andrade, and was accompanied by an account of the sale of the 10 negroes, which account, it seemed to appear, had been transmitted by Pinto to Andrade.

The letters No. 44 to No. 49, further shew Slave-trading acts and Slave-trading designs on the part of different persons at Para, at Bissao, and at the Cape de Verd Islands.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

No. 22.

The Earl of Clanwilliam to the British Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, July 16, 1822.

YOUR despatch of the 20th of March 1822, containing the case of the Portuguese brigantine, *Conde de Villa Flor*, has received the attentive consideration of Lord Londonderry, and has been submitted to the King's Advocate General:—It has appeared to that Officer, and to his Lordship, that the seizure was not strictly agreeable to the second Article of the Instructions annexed to the Treaty, and that the condemnation under those circumstances will admit of much question.

As the Portuguese Commissioner concurred in the condemnation, though with a reservation, of which you were not enabled at the time to state the particulars, I am not to give you, in this stage of the matter, any specific instructions on the subject in question, but am directed to point your attention to the Treaty, and the Documents annexed thereto, and to the Act of Parliament founded thereon, as your only sure guide in the delicate and difficult situation in which you are sometimes placed,—bearing in mind, that your object is to ascertain and to judge whether the vessel to be adjudged has been captured according to Treaty, and, if so, whether she can be condemned accordingly.

I am, &c.

(Signed)

CLANWILLIAM.

*His Majesty's Commissioners,
Sierra Leone.*

No. 23.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

WE have the honour to inclose in this despatch, a statement of the case of the Portuguese brig *Des de Fevereiro*, with the opinions delivered by us severally in the decision upon that case.

The direct destination of the brig *Des de Fevereiro* to the Gold Coast, with papers, private as well as official, presenting appearances and characteristics of innocent commerce the most specious and imposing, created in the minds of some of the members of the British and Portuguese Mixed Commission, prepossessions so favourable, that very decisive evidence of actual Slave Trade was necessary to induce a conviction, that so much virtuous seeming could be deceitful.

The abstract of the case will shew that this decisive evidence was found, not only in the testimony furnished on the part of the Captors, but in the admission of those acts by the cooper of the vessel, who was in the first instance induced to deny them.—Concealed entries to the same effect, discovered in the ship's books, removed all doubts of the facts, notwithstanding the absolute and unreserved denial of the Master and of the Mate.

We have not learned that the protest directed by the owner in the event of condemnation has been made, nor that the copies of proceedings in the cause, and other papers to found a claim for the recovery of the insurance, have been taken from the Registry of the British and Portuguese Mixed Court.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(First Inclosure in No. 23.)

Abstract of the Case of the Portuguese Brig Des de Fevereiro, Joao Vierra da Silva, Master.

THE brig *Des de Fevereiro*, was taken on the 1st of April 1822, at Appam, on the Gold Coast, in latitude 5 deg. 16 min. north; longitude, 10 min. 13 sec. west, by His Majesty's ship *Iphigenia*, commanded by Commodore Sir Robert Mends.

No Slave was proved to be on board at the time of capture, but the Captors had information of the collection of a number of Slaves on shore for the vessel, and of the particular embarkation of some others, who were afterwards landed for security until the whole cargo should be ready for shipment.

The case of the *Des de Fevereiro* is remarkable for the objects of innocent commerce, to the express and distinct exclusion of a trade in Slaves, declared in all those papers; in some of them, indeed, specified so particularly and impressed so strongly, that the most decisive evidence of actual Slave-trading was necessary to counterbalance the favourable appearances which the case presented at the first view.

The most particular paper, in this view, is a letter from Donna Maria Cerqueira, of Bahia, Owner of the ship, and of the principal part of the cargo, addressed to the Master, and conveying instructions for his conduct during the voyage. This letter directs the Master to proceed directly to the coast of Elmina, where he was to take a canoe for the more convenient dispatch of his business. He was then to proceed along the coast, bartering his cargo for gold, ivory, country cloths, and such other articles of African produce as he might think beneficial: he was to come to anchor in any place where the number of canoes coming off should afford promise of a brisk trade. A hope is expressed that the innocence of this commerce will afford security against molestation; but if any evil-disposed cruizer, not regarding that innocence should, on the pretext of being engaged in illegal Slave Trade, seize the vessel, and if she should in consequence be con-

condemned at Sierra Leone, the Master is directed to enter his protest for the amount of £12,000 sterling, and to take copies of the proceedings, in order that the loss should be recovered from the insurers.

The Master, on his arrival at Elmina, took a canoe, as he was directed, and landed about one-half of his cargo. From Elmina he proceeded to Appam, where the rest of the cargo was landed, and where the transactions took place which led to the seizure of the vessel.

The principal individuals who came to this colony on board of the *Des de Fevereiro*, and who were therefore examined in the first instance, were the Mate and the Cooper.

The Mate denied, in the most absolute manner, that there was any connection with the Slave Trade.

The Cooper said, that the half of the cargo landed at Elmina, was intended to purchase gold : but, the half landed at Appam, was intended to purchase Slaves ; he did not, however, admit that there was any actual Slave Trade, and with respect to a girl brought on board for sale, he said, that the Master refused to buy her because she was sickly.

The Captors produced as a witness, a person of the name of Duncan, resident at Appam, in the capacity of trading agent to the Native Chief. This Duncan accompanied the girl here mentioned on board the *Des de Fevereiro* with her master, one John Cocraf. He proved that the Master of the *Des de Fevereiro* had purchased the girl or taken her in payment of a debt, and that the girl had afterwards been sent on shore because the Captain was afraid of the men of war, and did not wish to have any Slave on board until all were ready.

Other purchases of Slaves on board were also mentioned by this witness ; and special interrogatories having been in consequence put to the Mate and Cooper, the Cooper avowed these purchases severally, stating particular circumstances of the goods given in return, and excusing his former denial by attributing it to the influence and persuasion of the Mate. The Mate himself persisted in his denial, and attributed Duncan's statements to the desire of getting rid of a debt due for goods sold to him from the ship.

The Master having arrived in the Colony at this stage of the proceedings, gave his claim, and supported it by an affidavit, in which all concern with illegal Slave Trade was denied. He denied in like manner in his examinations on the standing interrogatories.

Some entries, scrawled in one of the ship's books, in characters which seem purposely formed so as to be scarcely comprehensible and then blotted in the most material words, were made out to be accounts of goods bartered for Slaves, and at the bottom of one there was an half-blotted acknowledgment for the receipt of thirty-five Slaves. This and some other similar discoveries decidedly turned the balance of evidence which already inclined to the establishment of illegal Slave Trade in a general way on shore, and in particular acts on board, which were considered as embarkations of Slaves for the purposes of the traffick. The vessel was condemned as prize to the British and Portuguese Crowns, and the Slaves, ten in number, belonging to her, emancipated.

Sierra Leone, July 1822.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

(Second Inclosure in No. 23.)

Mr. Gregory's Decision on the Case of the Portuguese Brig Des de Fevereiro, Joao Vierra da Silva, Master.

THIS vessel was captured off Appam, in latitude 5 deg. 16 min. north ; longitude 10 min. 13 sec. west, on the 1st of April 1822, by His Britannick Majesty's ship *Iphigenia*, commanded by Sir Robert Mends, who states in his declaration that he found her equipped for the Slave Trade, she having on board Slave-irons, platforms, and food used by Slaves, as also that she had two Slaves on board.

The avowed object of the voyage of the *Des de Fevereiro* was for gold dust and ivory, or, in the words of the clearance papers of Bahia, the port from whence she sailed, to pursue a licit commerce on the Coast of Africa, the traffick in Slaves being expressly excepted and forbidden.

The instructions received by the Master from the Owner, Donna Maria Victoria Carolina Cerqueira, were to this effect :

" You are to proceed to the Coast of Elmina with the cargo, that is above expressed, to barter it for gold, ivory, cloths, palm oil and for other articles that you may think proper, the traffick in which is permitted by the Portuguese and English Governments. You are aware that you are absolutely prohibited to barter the cargo for Slaves by your clearance papers, which you will receive with this letter. I therefore order you in the most positive manner not to traffick, yourself, nor to allow any person to traffick, in Slaves, nor to bring back one single Slave, for I do not wish to transgress the law, even in the least matter, nor to incur the forfeiture of the security that I have given."

The Owner further expresses herself, that :

" If any evil-disposed cruiser should not respect the innocent nature of this trade, and should capture the brig as if she were employed in the prohibited traffick of Slaves, so that the capture should lead to her condemnation at Sierra Leone, or in a Court of Admiralty elsewhere, (which circumstance is not to be expected), you will make protest on account of the brig and of her cargo, to the value of twelve thousand pounds sterling, and you will procure a copy of the pro-

“cess, sentence of condemnation, and of your protests, that with these documents the damage may be recovered from the insurers.”

It is, therefore, consistently with this avowed object that the Master swears that he came to the Coast of Africa for gold and palm oil; that he traded for these commodities at Elmina, and at Appam; and it is agreeably to his instructions that he makes a shew of resistance to the pretensions of the “evil disposed Captor,” who has disturbed him in his innocent trade.

This trade was no other than the trade in Slaves, for which the brig had come prepared to the Coast of Africa. The requisites for a Slave-trading voyage, irons, platforms and food for Slaves were found on board.

A book in which entries are made of goods delivered to different persons during the stay of the brig at Appam, has an entry of “35 escravos” (Slaves,) written under the words, “Devemo o Tapico,” (Tapico owes to me). The pen has been drawn through the two last syllables of the word *escravos*; and in another part of the same book there is written, “Fre. 8. Reci. 26 es”—which “es”—is, doubtless, meant to be the first syllable of the word “*escravos*,” and to serve as a memorandum of twenty six Slaves received on the 8th of February. A note is made under the words “twenty-six “es,” of six pipes and seventy-five rolls of tobacco, given, I presume, in exchange for the Slaves. There is also an entry of calavances and farina, which is food used by Slaves on board of Slave vessels.

The Mate, who has been examined, says, that not one Slave was brought on board of the vessel, and that he did not understand that any Slaves were collecting on shore for the brig. That the Mate should not know or understand whether any Slaves were collecting on shore, is not very likely, when he admits that sixteen or twenty sacks of farina, and about thirty bags of calavances were on board of the vessel, for what purposes he cannot be supposed to have been ignorant, when the platforms and Slave-irons were under his eye. The Mate also states, that he understood from the Master that he was to receive ivory, gold-dust, and palm-oil in return for goods that he had given to a man named Duncan, and to another person.

Two Slaves are stated by the Captor to have been on board of the brig at the time of capture. The Mate, in answer to the 14th standing interrogatory, says, that no Slaves, whatsoever, were taken on board during the present voyage but those that were shipped by the Captors; and, in answer to the 13th interrogatory, he says, that the Lader and Owner of the ten Slaves at present on board, he knows not, as they were not laden on board till after the said brig was captured, and he was taken out of her by the capturing ship. Elias, the Cooper of the brig, states, in answer to the 14th standing interrogatory, that the Captain purchased calavances at Appam, for the Slaves; that the Slaves now on board were sent from the shore by a mulatto man, of the name of Duncan, but he does not know under whose orders Duncan acted. In answer to the 5th standing interrogatory, Elias says, that the brig was seized for being engaged in the Slave Trade.

There is a contradiction betwixt these statements, and the declaration of the Captor, that two Slaves were on board at the time of capture. To remove the possible effect of these contradictions, there appear an affidavit of the person named Duncan, and the answers of the Mate and Cooper to special interrogatories put to them on the part of the Captors.

Duncan states, that he “went on board of the Des de Fevereiro, with John Cocraf; that Cocraf had a Slave girl with him in the canoe, whom he took on board of the brig, and paid her in part of the goods that he had previously received; that the girl was gagged; that she remained on board about five hours; that Silva, the Master, told Cocraf that he must take her on shore again, as he was afraid of the men of war.” Duncan farther states, that “a Cape Coast man, named Scipio Cuffee, sent a Slave down in his canoe for sale; that the Slave was taken to Mamfra, and then to the brig; that he (Duncan), saw the Slave carried on board.” Duncan also states, that “he was employed by the King of Mamfra to trade with the Captain.”

Limã, the Mate, admits that Duncan went on board of the brig from Appam; he also admits that Duncan received from on board aguadente, iron, sugar, and gunpowder; and that a mulatto man, whose name he does not know, who went on board with Duncan, received aguadente, iron, &c. but that he understood from the Captain that he was to receive in return for these goods, ivory, gold-dust, and palm-oil.

The Master, Silva, states, in his affidavit annexed to his claim, that he “had delivered a considerable part of the cargo of the brig to one Duncan, for gold-dust, oil of the palm, and ivory; that he (Silva), verily believes that Duncan was the person who delivered the natives of Africa to the seizors of the brig, for the purpose of having the said persons put on board of the brig; and that he verily believes that Duncan so acted in order to elude the payment of the debt he had contracted with him (Silva), to a large amount.” The Master further says, that “the said Slaves or Natives of Africa did not belong to the brig.”

The Master here says, that he delivered a considerable part of the cargo of the brig to Duncan, and in the memorandum book of the Master there is an entry made of goods to some extent, under the name of Duncan, of Mamfra; there is also another entry of goods under the name of Coca or Cacú. So far Duncan’s evidence is confirmed: it appears to be confirmed still further by the entries made in the memorandum book of twenty-six and of thirty-five Slaves, and by the answer of Elias to the fifth standing interrogatory, which shew the traffick in which Silva was engaged.

I think, then, that it will not be too much to take the assertion of Duncan, that Slaves had been purchased on board of the brig and afterwards sent on shore, rather than decide by the statements of the Master and of the Mate; the first being contradicted by entries in the memorandum book and by Elias, and the second not credited for his ignorance of the Slave-trading pursuits of the vessel, when a Slave-trading apparatus must always shew a Slave-trading object.

Further, Elias, in answer to special interrogatories, says, that he remembers that ten Slaves were taken on board of the brig; they were taken by a mulatto man; they remained on board an hour or two; the Captain was then on board; they were purchased by the Captain, who paid seven rolls of tobacco for each; they were sent on shore from fear of the capturing frigate, and were landed at the port of Mamfra.

Elias has stated, that the vessel was seized for being engaged in the Traffick in Slaves, and in this he is confirmed by Duncan, and by entries in the memorandum book. It appears, from a journal kept apparently by the Mate, that the Master was on board of the brig on the 8th of February, and on this day we find by the memorandum book that goods were delivered and Slaves received. And again it is found that the Master did not remain altogether on shore at Appam; in the same journal we find it said, "*this day, the 15th of February 1822, nothing new: the Captain on board.*" These circumstances, I think, corroborate the evidence of Elias touching the purchase of these ten Slaves on board of the brig. With respect to the evidence of Elias regarding the girl that was taken on board, it appears to be confused, when contrasted with his answers to the standing interrogatories, wherein he says, that a girl was taken on board, but being in a bad state she was not purchased. This does not accord with his subsequent declaration, that a cask of aguadente was put into the canoe which carried the girl to the brig and back again to the shore. This would have the appearance of an exchange or purchase, which did not take place, according to the answers of Elias to the standing interrogatories.

On the whole, I feel it to be my duty to decide by the evidence of Elias, so far as it appears to be confirmed, and by the testimony of Duncan, rather than by the evidence of the Master and Mate of the brig; and giving it as my opinion that the Des de Fevreiro was engaged in the Traffick in Slaves, and that purchases of Slaves took place on board of that vessel, I say, that the Des de Fevreiro should be condemned as prize, and the Slaves on board emancipated as belonging to that vessel.

(Signed) E. GREGORY.

Mr. Gregory further observed, that the Captors had abandoned the original ground of proceeding against the Des de Fevreiro, for having two Slaves on board at the time of capture, and had rested their title to a favourable decree on the ground, on which she was condemned, that Slaves had been purchased on board and afterwards relauded. Mr. Gregory inferred, that the original ground of proceeding was not tenable, as the mere proof of two Slaves for the traffick being on board at the time of capture, would at once have entitled the Captors to a decree of condemnation; and Mr. Gregory recommended that when vessels had not Slaves for the traffick on board at the time of visitation, and Captors should be of opinion that she *had had* Slaves on board, that this opinion should be stated in the declaration, as the ground for proceeding against the vessel: much trouble would be saved to Captors and to the Commissioners by Captors pursuing such a course of proceeding.

(Third Inclosure in No. 23.)

Case of the Portuguese Brig Des de Fevreiro.

Opinion of Mr. Fitzgerald.

THE first impression of the case of the Des de Fevreiro, as derived from the perusal of the papers of the vessel is of the most favourable description. These papers are very numerous; those of a public nature are perfectly regular, and they, as well as the private papers regarding particular adventures, indicate invariably a voyage directed to objects of innocent commerce, altogether distinct from the Slave Trade, and with strict injunctions to the Master to use such care in keeping clear of that Trade, that neither by himself nor by any other person, should he suffer any concern whatsoever with the purchase of a single Slave, so that no ground nor pretext should exist for imputing to him a neglect of the orders given to him, nor of the faith that he had pledged on this head.

The following paragraphs, extracted from the letter of instructions addressed to the Master de Silva, by Donna Maria de Cequeira, the Owner of that vessel, and of the principal cargo, will convey more strongly than any description of the contents of that letter could, a persuasion that these instructions were framed in perfect truth and sincerity, and that the innocent commerce to which they were directed, was in reality the only description of commerce in the contemplation of the lady. The letter is the paper No. 4, dated Bahia 16th November 1821; it commences thus:—

"You are to make the best of your way to the Coast of Elmina, with the cargo under your charge, to be there exchanged for gold, ivory, palm oil, and all other kinds of merchandize which you may think advantageous, and which are matter of lawful commerce permitted by the British and Portuguese Governments. You are strictly forbidden to purchase Slaves as you are already aware, and as the despatches addressed to you and the other documents shew, and by this farther order you are absolutely enjoined, that neither by yourself nor by any other person, shall you consent to purchase or to deal for a single Slave, so that you may not be guilty of the slightest transgression of the law, nor of the faith that you have pledged."

In the same letter, after some directions respecting the cargo in general, and the freights to be

charged on the private adventures, out and home, the intended course of trade is explained in these terms:—

“ When you come in sight of Cape Palmas, you are to keep along the coast, at a distance sufficiently near to admit the access of the canoes in which the black people come from the shore with gold, ivory, &c. and when you find that they come in considerable numbers, you are to anchor, in order to carry on the trade with greater facility. This is to be done with the principal cargo only, and considering how little competition there is likely to be by means of vessels provided with articles of this description for that traffick, I am persuaded that you can sell each roll of Tobacco for twelve or sixteen aquis of gold, each aqui being half a drachm, and that you may get ten aquis for every can of aqua ardente.”

Shortly after this we find the following:—

“ As the trade is legal, it is my intention to order an insurance, and therefore, in the event that any mischief should befall the cargo, or the appurtenances of the brig, through the violence of the winds or waves or any other cause, you will take care that the authentications usual in such cases, shall be made in due terms by your crew.

“ If any evil-disposed cruizer, not regarding the innocence of this trade, should attempt to make prize of the brig on the supposition of her being engaged in the prohibited traffick in Slaves, and that you should come, in consequence, to be condemned at Sierra Leone, or in any other Admiralty, which I trust need not be apprehended, you will make protest on account of the brig, as well as of the trade, to the value of twelve thousand pounds sterling, taking a copy of the proceedings of the sentence of condemnation, and your protest, in order that by means of these documents a claim may be made on the insurers for the entire loss sustained.”

These extracts are certainly of a nature to create a full confidence of the truth and legality of the purpose with which they were framed. The letters and papers connected with the private adventures are uniformly of the same character, without a single indication of Slave-trading intent. Some of these adventures are of very small value, and are for the account of parties to whom the opportunity of making a little profit would seem to have been given through motives of pure benevolence. Among these is a shipment of aqua ardente, and some other articles for the account of Joaquim, a Slave of Donna Maria Cerqueira, the owner of the vessel and of the principal cargo. There is a shipment of twenty rolls of Tobacco by Donna Maria for the account of her Slaves, of which twenty she directs that on the arrival of the vessel at the place of business, two rolls should be given to each of two Slaves belonging to her, serving on board of the *Des de Fevereiro*.

It is scarcely possible that adventures of such small amount could have been sent out with any Slave-trading design, and in those of somewhat greater value to which the desire of the greatest profit may attach itself, the directions concerning other objects of trade are so particular and so apparently sincere and natural, that Slave Trade must be supposed to be altogether out of the contemplation of the parties.

All these small adventurers appear to be persuaded, that the right of prior purchase, assumed for the principal cargo, will engross all the gold; they consequently express their wishes in a more particular manner respecting palm-oil and country cloths. One, whose shipment is more considerable, and who, by the identity of the hand and from other circumstances, appears to be the writer of the letter of instructions signed by Donna Maria Cerqueira, forbids the purchase of palm-oil for his goods, as it is liable to become thick, and to waste itself, and to leak. He is particular concerning the country cloths to be brought to him, and he desires that the Master should bring half a dozen of superior quality in his trunk, fit for bed covers, not intended for sale.

There is in all these letters a request to the Captain to employ the same zeal as if the affair was his own; and there is a general discretion to purchase, besides the articles specially mentioned, any other which he may think beneficial. Unless this discretion be supposed to have reference to the Slave Trade, there is not one word in the whole collection of papers which points to that traffick.

The part of the coast chosen for the station of this trade, and actually made the station of it, in conformity with the instructions and with the other papers, would seem very unlikely to be selected with Slave Trading views. The coast of Elmina, so near to Cape Coast Castle, one of the principal British settlements, and a known station of the British Cruizers, would seem utterly incompatible with such a purpose.

To these facts and circumstances we have to add a corresponding state of the log-books, which are without any entry, having reference to Slave dealing. I freely avow that thus far my mind was strongly prepossessed with a favourable opinion of the case of the “ *Des de Fevereiro*.”

The novelty of a Portuguese voyage to the coast of Africa, in pursuit of a commerce distinct from the Slave Trade, and directed exclusively to innocent and laudable objects, would be, under any circumstances, sufficiently interesting, and that interest could not fail to be increased by the consideration of the sex of the general owner, Donna Maria Cerqueira.

The admission of small shipments, for the benefit of persons in that lady's service, of petty officers of the ship, and even of her Slaves, and more especially the shipment made by the lady herself for the benefit of her Slaves in general, are circumstances of a nature so singularly bountiful, as to enhance still further the favourable feelings already inspired.

How afflicting must it be to the best principles of our nature, if these appearances of innocence, of rectitude, of purity and beneficence, should prove deceitful, and should be found to have terminated in actual purchases of Slaves to a considerable number, and in actual shipments of Slaves connected with those purchases? Yet, after a careful investigation, with all the prepossessions that I have avowed in favour of the apparent original character of the voyage, I am fully convinced that such actual purchases of Slaves were made, and that actual shipments took place

in connection with them. I hope, however, that I may be held excused when I avow myself still disposed to believe that the original instructions of Donna Maria Cerqueira were sincere, and that the abandonment of them arose from the cupidity of the Master of the vessel, and from the opportunity, as he supposed, of making exorbitant profits. One-fourth of the benefits of some of the private adventures was promised to him, and he might hope that great and unexpected gain would reconcile all those concerned to a relapse into a traffick which, although illegal, can scarcely yet have begun to be regarded with the sentiments of dishonour by the inhabitants of Brazil.

The evidence of the witnesses, who deposed to facts of Slave Trading, did not in the first appear to me sufficiently to establish the material facts, so as to outweigh altogether the favourable appearances of the papers. The testimony of the Mate was entirely in coincidence with the papers, and in denial of Slave Trade. The Cooper, Elias, in his first examination, avowed a Slave-trading intent in the landing of the half of the cargo put on shore at Appan, and the purchase of Slave provisions at that place; but he did not admit any actual purchase of Slaves, and with regard to the girl brought on board for sale, he says the Master refused to purchase her because she was in a bad state of health. He says that the Slaves now on board were shipped by Duncan, he does not know by whose orders.

The person named Duncan was brought as a witness by the Captors. He says, that the girl already mentioned was carried on board the vessel in a canoe by a man named John Cacuf, whom he himself accompanied; that he was present when the Master of the vessel purchased the girl, or received her in payment of a debt, and that the girl was sent on shore, because the Master was afraid of the men of war, and did not wish any Slaves to be on board until all were ready. This Duncan speaks also of a man Slave belonging to Scipio Cuffee, of Cape Coast, sent on board the vessel, and sold, and sent on shore again to the depôt, where Duncan saw him. It appears that Duncan was an agent for the King of Mamfor, in the Slave-trading transactions between that personage and the Master of this vessel, and that he was disposed to give his assistance in other affairs of the same description. He speaks generally of purchases of Slaves on shore by the Captain, which Slaves were kept by one Matthias, the Captain's agent.

The facts declared by Duncan, appear to have suggested special interrogatories, upon which the Mate and Elias the Cooper were examined. The Mate persists in his general and absolute denial of Slave Trade, and attributes the allegations of Duncan to interested and corrupt motives. Elias confesses the fact of the actual purchase of the girl brought on board for sale, as stated by Duncan; he also avows the purchase of ten Slaves brought on board by another person. He explains his former denial, by some alleged influence on the part of the Mate, not adding much to his own credit by admitting himself to be susceptible of such influence.

In this stage of the proceedings, the Master of the *Des de Fevrierio* arrives and gives his claim. In his affidavit in support of the claim, he swears that the said brig was not engaged in any unlawful Slave Trade, that she had no Slaves on board at the time of the seizure, that since the capture and detention aforesaid, certain natives of Africa, said to be Slaves, were put on board the said brig, but not by the orders, concurrence, or assent of this deponent.

In his examinations upon the standing interrogatories, he denies, in the same general and absolute manner as the Mate, all concern with the traffick for Slaves.

Upon comparing the testimony of the witnesses on both sides at this period of the case, with due regard to their characters and situations, the balance of evidence inclined, in my opinion, to the establishment of the existence of illegal Slave Trade in a very general extent, and also to yield proof of the actual embarkation of Slaves for the purposes of the traffick, as in the instances of the girl belonging to John Cacuf, the man-slave belonging to Scipio Cuffee, of Cape Coast, and the other ten Slaves.

But it appeared desirable, in a case of this nature, presenting such innocent appearances in its original character, and supported by such absolute swearing on the part of the Master and the Mate, to obtain evidence more clearly, and more unquestionably decisive, than a mere preponderance in the comparison of adverse proofs. I suggested therefore, that the Negroes brought to the Colony in connexion with this vessel should be confronted with the seamen belonging to her. I had found in former instances that the recognitions of persons, and the recollections of facts, by the Negroes, furnished the best means of correct decision amidst the contradictions of Captors and Claimants. In the recent case of the *Estrella*, in the Spanish Court, the same effect had been produced by this confronting. In the present case it has not been found practicable to bring forward the Negroes, but other proof, more than equivalent to any that they could supply, has been pointed out to me by Mr. Gregory, where it had escaped a sufficiently minute investigation on my own part.

In one of those intentionally careless books, in which entries are made of the dealings of Slave-traders, in such a manner as to be capable of assisting the memory of the parties without giving information to an ordinary reader, there is an entry of the receipt of thirty-five Slaves. This entry is at the bottom of an account of goods furnished to Cacuf or Cacuf, a person named in the course of the examinations. This entry, having been first almost unintelligibly scribbled, is afterwards purposely blotted by a stroke of the pen, but when decyphered, it amounts to this, "Received thirty-five Slaves."—There are other entries of a corresponding nature, but less plain and direct.—The book is purposely without dates. But besides the name of Cacuf, in the account just mentioned, there is a list of trading articles delivered to Duncan of Mamfor, which identifies it with the present voyage and with the transactions now under investigation. The single entry of thirty-five Slaves, in the dealing with Cacuf, is sufficient to establish the falsehood of the Captain and of the Mate, in their denial of being engaged in the Slave Trade in any way; and the effect of this falsehood extending itself to the whole of their testimony, falsifies it in every point, and confirms

the opposite testimony of Duncan and of the Cooper Elias; in regard to the purchase of the Slave girl on board, and of the man Slave belonging to Scipio Cuffee of Cape Coast, and of the ten other Slaves. These Slaves having been on board for the purposes of the traffick, the violation of the Treaty is proved in the full extent, necessary to warrant the condemnation of the vessel, and to make it the duty of the Commissioners to emancipate the Slaves belonging to her.

(Signed)

EDWARD FITZGERALD.

No. 24.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry. —
(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

WE have the honour to inclose herewith, for the information of your Lordship, the abstract of the case of the Portuguese brig *Esperanza*, which was taken with 149 Slaves on board, off the river Lagos, in lat. 6 deg. 27 m. North, on the 15th of April last, by His Majesty's ship *Morgiana*, Captain Knight, and brought for adjudication before the Mixed Court. Sentence of condemnation was passed against the vessel; and her Slaves, 147 in number, were emancipated.

The only circumstance in this case that is more than any other entitled to the notice of Your Lordship, is the abuse of the permission granted by the Royal Passport to call at Saint Thomas' and at Princes' Island, on the passage of the vessel to Molembo for Slaves.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(Inclosure in No. 24.)

Abstract of the Case of the Portuguese Brig Esperanza, Placido Jose da Maia, Master.

THE brig *Esperanza*, Placido Jose da Maia, Master, was taken, on the 15th day of April 1822, at the entrance of the river Lagos, in lat. 6 deg. 27 min. N. long. 3 deg. 22 min. E. by His Majesty's ship *Morgiana*, Christopher Knight, Esquire, commander.

The Master and the greater part of the crew had deserted her, only eight seamen having remained on board.

The *Esperanza* had on board, at the time of capture, one hundred and forty-nine Slaves.

Antonio Jose de Souza, of Bahia, was Owner of the vessel and cargo. There was a Royal passport, dated Bahia, the 9th October 1821, for a voyage to Molembo, to bring thence four hundred and fifty Slaves, being at the rate of five for every two tons, according to law. This passport gave permission to call at the Islands of St. Thomas and Princes, and this permission has been in this instance, as in all the others that have come under the cognizance of the British and Portuguese Mixed Court, employed as the means of facility to proceed to a Slave-trading station to the northward of the Equator.

Antonio Nunez, the Boatswain, and Francisco Nunez, a seaman, both of the *Esperanza*, in their answers to the standing interrogatories, stated that the Slaves found on board were embarked at Lagos. The *Esperanza* had previously touched at Elmina, where a part of the cargo was landed to purchase beef, firewood and water. She then touched at Badogary, where also a part of the cargo was landed, but nothing taken on board in return. The intention of this landing must have been to purchase Slaves:—lastly, she came to Oui, at the mouth of the river Lagos, where the Slaves found on board were taken in.

The *Esperanza* was condemned as lawful prize to the Crowns of Great Britain and Portugal, and the Slaves belonging to her were emancipated. These Slaves were one hundred and forty-seven in number, two having died on the passage from the place of capture to Sierra Leone.

Sierra Leone, July 1822.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

No. 25.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

THE Portuguese polacca *Esperança Felix*, was taken by His Majesty's ship *Iphigenia*, Commodore Sir Robert Mends, in the River Lagos, lat. 6 deg. 20 m. North, on the 7th of April last, with 187 Slaves on board. Being a dull sailing vessel, the *Esperança Felix* was given by Sir Robert Mends in charge to Captain Leeke, of His Majesty's ship *Myrmidon*, that she might be brought by the *Myrmidon* to Sierra Leone. The Slaves of the vessel, as also the Slaves of two Spanish schooners, likewise under the care of Captain Leeke, became sickly, and several died. Captain Leeke, considering that the bad sailing of the *Esperança Felix* retarded extremely the passage of the vessels to Sierra Leone, and thereby exposed the Slaves to greater sickness, thought it advisable to destroy the *Esperança Felix*, and she was accordingly destroyed. The Slaves were distributed on board of the other vessels.

The case of the vessel was brought under the consideration of the Commissioners, who decreed that the *Esperança Felix* was justifiably detained, and was liable to condemnation at the time of her capture. Only 85 Slaves participated of the decree of emancipation. Of the remaining 102 Slaves, some perished through sickness, but by far the greater number perished through the melancholy accident which befel one of the Spanish schooners, the *Icanam*, on board of which they had been placed.

In this case, as in that of the *Esperança*, mentioned in our last letter, there was a Royal Passport permitting the vessel to touch at the Island of Saint Thomas, and of Princes, on her way to Molembo for Slaves. It is seen, that in this case, as in the other, the permission was abused.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c. &c. &c.

P. S. We beg leave to enclose herewith the abstract of the case of the *Esperança Felix*, for the information of Your Lordship.

(Inclosure in No. 25.)

Abstract of the Case of the Portuguese Polacca, Esperanza Felix, Joaquim Jose Brito Lima, Master.

THE *Esperanza Felix* was taken on the 7th of April 1822, in the river Lagos, in the Bight of Benin, in lat. 6 deg. 20 min. N. long. 4 deg. 12 min. E. by His Majesty's ship *Iphigenia*, Commodore Sir Robert Mends. She had on board, at the time of capture, one hundred and eighty-seven Slaves.

The *Esperanza Felix* had regular papers for a voyage from Bahia to Molembo, a place in the possession of the King of Portugal, to the southward of the Equator. She had a royal passport for three hundred and seventy-three Slaves, being in the proportion of five to every two tons, as allowed by law, and by the Treaty between Great Britain and Portugal. This passport gives permission to call at the islands of St. Thomas and Princes; and this permission, as it has been uniformly found in the cases of a similar description brought before the British and Portuguese Mixed Court, appears to have been designedly introduced in order to give opportunity to run into one of the more favourite Slave-trading stations to the northward of the line: at least the opportunity thus afforded, has been always employed to run directly to one of those northward stations considered more advantageous for the purpose of Slave Trade, and therefore generally so in preference by the unprincipled adventurers in this odious traffick.

In the present instance, the station of Lagos, somewhat new in the Mixed Court, although well known in the old Slave Trade, has been preferred to the stations recently more visited, such as Calabar and Bonny.

The *Esperanza Felix* having had on board one hundred and eighty-seven Slaves when she was taken at Lagos, in lat. 6 deg. 20 min. N. would be liable to condemnation as a matter of course, if it could not be shewn in justification of the presumptive illegality that the Slaves were taken on board South of the Line, and that the vessel having them on board, came to the North of the Line through some legitimate cause, such as the dangers of the sea duly proved, or other cause of equally fair admissible influence. The burthen of proof, in such case, is upon the vessel detained. The provisions of the Treaty to this effect are found in the fifth Article of the Instructions for Ships of war.

With a view to the establishment of proof of the embarkation of the Slaves of the *Esperanza Felix*, at Molembó, and of legitimate cause for the deviation so far to the Northward of the Line, the Master and the Surgeon declared, in their examinations upon the standing interrogatories, that the vessel was proceeding from Molembó to Princes Island for supplies, but that she was driven beyond that island by the force of the current setting to the Northward, and being brought as far as Lagos, the urgency of the wants on board caused them to communicate with the shore for immediate relief. They added, that the vessel was about to proceed to Princes Island from Lagos, when she was taken.

Some special interrogatories were put to the Master touching the winds and the current; but the practice adopted on the recommendation of the Commissioners of examining some of the most intelligent of the Negroes, furnished a decisive refutation of the statements of the Master and of the Surgeon.

These Slaves were found to be natives of the Houssa Country; they declared that they were purchased for the *Esperanza Felix* at Lagos, which is the general market for the sale of Slaves brought from Houssa. These Negroes added, that the whole of the Slaves on board the *Esperanza Felix*, when she was taken, had been collected at Lagos, and had been embarked only on the morning of the capture; they added, that they themselves had been put on board so short a time before the capture, that they had not eaten on board.

The Master being unable to disprove this statement, the cause was necessarily decided against him.

The vessel being a dull sailer was, soon after her capture, given by Sir Robert Mends in charge to Captain Leeke, of His Majesty's ship *Myrmidon*, that she might be brought to Sierra Leone, in tow of the *Myrmidon*. Captain Leeke had also in charge two Spanish schooners, the *Vecua* and *Icanam*, full of Slaves. Disease spread itself amongst these Slaves and amongst those of the *Esperanza Felix*, and several Slaves died. Captain Leeke, taking into consideration that a protracted voyage would be fatal to the surviving Slaves, thought it right for the sake of humanity to destroy the *Esperanza Felix*, whose bad sailing retarded in a very considerable manner the progress of the other vessels. Some of her Slaves were put on board of the *Myrmidon* and *Vecua*, others on board of the *Icanam*; these last perished by the melancholy accident which befel that vessel. Eighty-five Slaves were landed at Sierra Leone, as belonging to the *Esperanza Felix*; these Slaves were decreed to be emancipated. The judgment of the Commissioners as to the vessel, was, that she was justifiably detained, and that at the time of her detention she was liable to condemnation for being engaged in an illegal Slave Trade.

Sierra Leone, July 24, 1822.

(Signed)

E. GREGORY,
EDWARD FITZGERALD.

No. 26.

Messrs Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received September 12.)

MY LORD,

Sierra Leone, July 24, 1822.

THE case of the Portuguese sloop *Defensora da Patria*, an abstract of which we have the honour to inclose herewith, proves that the illegal Slave Trade is still carried on at Princes Island.

This vessel was taken on the 28th of April last, with one hundred Slaves on board, in the river of Old Calabar, lat. 4 deg. 31 m. N. by the boats of His Majesty's ship *Myrmidon*, Captain Leeke.

The *Defensora da Patria* had sailed originally from Bahia, but had, it appeared, taken in a fresh cargo at Princes Island, to an inhabitant of which she belonged. The crew were natives of the Island.

The vessel being destroyed as unseaworthy by the Captors, the decision of the Commissioners, when the case was brought before them, was, that the vessel was justifiably detained, and was liable to condemnation at the time of

her capture. The Slaves landed at Sierra Leone, eighty in number, were decreed to be emancipated.

This case, added to the several which have been already brought under the notice of your Lordship, will serve to shew the necessity of some check being applied to the malpractices of the people of that Island.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(*Inclosure in No. 26.*)

Abstract of the Case of the Portuguese Sloop Defensora da Patria.

THE Portuguese sloop *Defensora da Patria*, Caetano Raimundo de Novaes, alledged Master, was taken by the boats of His Majesty's ship *Myrmidon*, under the command of Lieutenant Elliot, on the 28th of April 1822, in the river of Old Calabar, in lat. 4 deg. 31 min. North; long. 8 deg. 37 min. East. She had one hundred Slaves on board at the time of capture.

There is some inconsistency in the history of this vessel and of her voyage. At the commencement she would appear to be the property of a person at Bahia, named Domingo Peres dos Santos Chaves, (a name not unknown in the British and Portuguese Mixed Court, as concerned with vessels engaged with the illegal Slave Trade.) According to the papers connected with this appearance, the *Defensora da Patria* sailed from Bahia in the month of August 1821. She had not any Royal Passport, neither were the usual clearance papers from Bahia found among those brought into the Court, in connection with her voyage. According to the other papers, she was destined to Cabinda for the purchase of Slaves to be brought back to Bahia.

A letter from Chaves, conveying instructions for the voyage, to the person in command at the time of sailing, named Manoel Marques de Loureiro, is dated Bahia the 13th of August 1821. This letter directs Loureiro to proceed with the sloop *Defensora da Patria*, under his command, to the Island of St. Thomas, at which place he was consigned to Joaquim José de Lisboa, who would accompany him to Princes Island, where he was to place himself under the orders of Caetano Raimundo de Novaes, a person whose name was also somewhat familiar in the ears of the Commissioners of the British and Portuguese Mixed Court.

At Princes Island, it appears, a new crew was engaged, or at least the ship's roll, as it was found among the papers of the vessel, was formed and dated at that place. At the top of this roll the name of Caetano Raimundo de Novaes is entered as owner of the sloop, which is described as belonging to Princes Island: Loureiro's name is entered after that of Novaes as Master.

A regular set of clearance papers, dated 4th of February from Princes Island, describe the voyage as from that Island with a destination for Cabinda for Slaves. These papers give reason to suspect that the voyage of the *Defensora da Patria*, might have had its origin and commencement at Princes Island. The Master, Loureiro, examined on the standing interrogatories, gave answers in many respects inconsistent with the ship's papers. He described Caetano Raimundo de Novaes, as a mere passenger, who came on board at Calabar, and who had no interest in the vessel or cargo, although the name of that person appeared on the ship's roll as the Owner.

It is not material, however, to pursue those contradictions, or to fix the location of the voyage, whether it may more properly belong in its origin to Princes Island or to Bahia.

Loureiro admits, that after the departure from Princes Island, the course of the vessel was directed to Old Calabar, in consequence, as he said, of the strong northerly current. On the arrival at Calabar, the traffick for Slaves was commenced, and, with the usual facility of that great Slave-market, this vessel was found sailing out of Calabar River on the 27th of April with a full cargo of one hundred Slaves on board. This was not quite six weeks after her departure from Princes Island on the 4th of February, nominally for Cabinda. The Master admitted that the Slaves were taken in at Calabar.

The *Defensora da Patria* having been, after a survey made, (which was filed in the Registry) destroyed by the captor, on account of her heavy sailing, it appeared to the Court, that the judgment most appropriate to the circumstances, would be, to declare that she was at the time of capture engaged in illegal Slave Trade, and was, therefore, subject and liable to condemnation.

It was decreed that the Negroes belonging to her should be emancipated. These Slaves, brought to Sierra Leone on board the Spanish schooner *Vecua*, were eighty in number.

Sierra Leone.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

No. 27.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received February 14, 1823.)

(Extract.)

Sierra Leone, September 8, 1822.

WE have the honour to lay before your Lordship an abstract of the case of the Portuguese brig *Estrella*, of Bahia, taken by Lieutenant Hagan, of His Majesty's brig *Thistle*, with 296 Slaves on board, on the 29th of June last, in the vicinity of Cape Formosa.

The *Thistle* arrived at Sierra Leone with her prize on the 19th of July: four of the Slaves of the *Estrella* had died on the passage to this river, and sixteen were infected with the small-pox, and a few others with ulcers, when she anchored in the harbour. The vessel was placed at some distance from the other shipping, and, in conformity with the recommendation of the Medical Officers, the Slaves were landed on the day after their arrival, the infected Slaves were removed by the direction of His Excellency the Governor, to an Hospital at some distance from the town. We have not heard that the infectious disorder brought by these Slaves has spread beyond their own circle.

In the inclosed abstract of the case of the *Estrella*, it is mentioned that Lieutenant Hagan endorsed the papers of the vessel on visiting her, as she passed by Cape Coast Castle on the 17th of April last.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(Inclosure in No. 27.)

Abstract of the Case of the Portuguese Brig Estrella, Manoel Pereira dos Santos, Master.

THE *Estrella* was fitted out at Bahia, by the Owner, Manoel Francisco Moreyra, for a Slave-trading voyage to Molembo, South of the Equator. Her clearance-papers and passport for the traffick were perfectly regular; by the last document she was permitted to call at Princes and at Saint Thomas's in her way to Molembo. The permission to touch at those Islands, the illicit dealer in Slaves may suppose to be a protection to him, should he fall in with any cruizer in their vicinity.

It does not appear that the *Estrella* touched at Princes, or at Saint Thomas's, but the contingency of her stopping at Princes, was provided for by the instructions of the Owner, to the Master, that on his arrival at that place, he should address himself to Major Jose Xavier Gonzaga de Sa, one of the Members of the Governing Junta of the Island, and a chief illegal Slave Trader there. It would appear that the vessel made the Coast of Africa in the vicinity of Cape Palmas. On the 13th of April, she anchored at Elmina, for the purpose, as is stated in a log-book, of "trading and of purchasing canoes." On the 17th of April she left Elmina, and was about to pass by Cape Coast Castle, when she was visited by Lieutenant Hagan, of His Majesty's brig *Thistle*, who having indorsed her papers, suffered her to pass on, as she was not liable to detention under the Convention.

The *Estrella* anchored off Badagary on the 25th of April, and commenced trading in Slaves; about the 20th of June she left the Coast, and on the 29th of the same month, she was met with, and visited by Lieutenant Hagan, who, at this time, found on board 296 Slaves.

The Master, on his examination here, had the presumption to state that he took in the Slaves at Molembo; he was positively contradicted by the Mate and a seaman, who declared that the Slaves had been purchased and put on board at Onim and at Lagos.

The Commissioners, when the case came before them on the 6th of August, decided, by what was so apparent, that the Slaves had been taken in an illegal traffick, and decreed that the *Estrella* should be condemned as prize, and the Slaves, 292 in number, emancipated.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

No. 28.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received February 14, 1823.)

MY LORD,

Sierra Leone, September 10, 1822.

IN the despatch which we had the honour to address to Your Lordship under date of the 24th of July last, we laid before Your Lordship the case of a vessel belonging to Princes Island, that had been captured in the act of conveying Slaves, acquired by an illegal traffick, from Calabar River to Princes, and we took the liberty to state the necessity that some check should be applied to the malpractices of the people of that Island. The necessity that some check should be put to the Slave Trade in that Quarter, is now rendered more evident by the case of the schooner-boat *San Jose Xalaca*, an abstract of which we have the honour to inclose herewith.

This vessel belonged to Princes, and was owned by a relative of one of the principal persons of the Island, the same who was engaged in the expedition of the schooner *Conceição*, that was detained and condemned last year for a breach of the Convention. The *San Jose Xalaca* cleared out from Princes for Cabinda, but went direct to Calabar river, where she took in thirty Slaves.

The miseries attendant on this traffick are exemplified by the present case. It would appear that the system by which the illicit Slave Trade is pursued by the people of Princes Island, is to send small vessels to the large rivers in the vicinity of the Island, these vessels being more likely to escape detection and to be more readily supplied with Slaves to feed the market at Princes. Such were the vessels detained by Sir George Collier in the year 1819; such the noted *Nova Felicidade*; such the *Conceição* and *Defensora da Patria*. Accommodation on board these vessels there cannot be any, and when the voyage be in the least protracted, as in the case of the *Nova Felicidade*, and as in the present case, from unfavourable weather and from the ignorance and unskilfulness of the Masters, the consequence to the Slaves must be a state of extreme suffering. Although the distance betwixt Princes and the entrance of the Calabar, be only such as may be passed in five or six days in favourable weather, the *San Jose Xalaca* was six weeks at sea, after leaving the Calabar, and ten Slaves perished absolutely through hunger and thirst.

To root out the nefarious traffick of Princes Island will not certainly be an easy task; but we apprehend, My Lord, that if the provisions and penalties of the Portuguese Alvara, prohibiting the Slave Trade to the north of the Equator, should be enforced by the Portuguese Authorities, but more particularly if some mode could be adopted by which convicted Slave-dealers might be sent to a Portuguese Settlement, in order to their trial and transportation to Mozambique, that the illicit Slave Trade would not be so inviting to the traffickers at Princes, who generally, when brought to this Colony, shew great dread of being transported to the eastern possessions of the Portuguese in Africa.

We have the honour to be, &c.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(Inclosure in No. 28.)

Abstract of the Case of the Portuguese Schooner-boat, San Joze Xalaga, Antonio Joachim de Trindade, Master.

THE vessel which is the subject of this case belonged to Prince's Island, and was owned, apparently, by Donna Maria da Cruz, a near relative of Jose Xavier Gonzaga de Sa, a Member of the Governing Junta of the Island. The boat was laden at Princes with goods for the Slave Trade; her crew was composed of nine men, natives of Princes, and her Master, it is presumed, was the same person who commanded the schooner boat, "Nova Felicidade," belonging to Ferriera Gomez, late Governor of that Island, at the time of her capture by His Majesty's ship Pheasant.

The boat had some Slave-trading clearance papers for Cabinda, south of the Line; she had no royal passport, but simply a pass, dated 26th of March 1822, and signed by Jose Xavier Gonzaga de Sa. She sailed on the 27th of March from Princes, and on the 23d of the following June she was captured in Old Calabar River, in lat. 4 deg. 40 min. North, by the boats of His Majesty's brig Thistle, commanded by Lieutenant Hagan. Twenty Slaves were delivered up by the native Chief at Calabar as belonging to the vessel, which, on a survey held upon her by the Officers of the Thistle, was destroyed as unseaworthy; the Master and crew remained at Calabar.

The evidence of Mr. Batt, the Officer commanding the capturing boats, and the evidence of some of the Slaves, exhibit horrors which are attendant on the Slave Trade, and horrors which must, in most cases, be a consequence of the system by which the illegal Slave Trade is carried on betwixt Princes and the Great Rivers in its vicinity to the northward of the Equator.

It appears, from the information given to Mr. Batt by the Master of the schooner-boat, that on the arrival of the vessel at Calabar, the Traffick in Slaves was commenced, and that thirty Slaves were purchased. These Slaves were put on board of the boat, and the Master made sail for Princes: his endeavours to reach that Island were unsuccessful, owing to the prevalence of contrary winds and strong currents setting from the Island. When they had been some time at sea, their provisions began to fail, and the scanty daily allowance of the Slaves was reduced to one yam for three Slaves: subsequently the provisions and water failed altogether: ten Slaves died through hunger and thirst, and the rest must have also perished, had not the return of the vessel to Calabar, after being six weeks at sea, brought relief to the suffering wretches. Mr Batt says, "that the twenty Slaves, when found on board by him, were in the most deplorable state of emaciation, and bore evident marks of the privations to which they had been subjected." And, indeed, it is a matter of wonder how these Slaves survived the hardships of their situation, when, besides being but scantily fed, and it is to be supposed manacled together, they were cooped up in a vessel of only seven tons burthen, and having no other shelter (if shelter it could be either to them or to the crew) but what could be afforded by the space betwixt the water casks and the deck, a space of seven inches.

The surviving twenty Slaves having been demanded of, and delivered by, the Native Chief of Calabar, they, with the exception of three who died on board, were brought to Sierra Leone in the Thistle. Proceedings were instituted as against the vessel; the judgment of the Mixed Court was, that she had been legally detained, and was liable to condemnation at the time of her capture, under the terms of the additional Article to the Convention, for having Slaves on board for the traffick: the Slaves, seventeen in number, were decreed to be emancipated.

Sierra Leone, Aug. 28, 1822.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

No. 29.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry. —
(Received February 14, 1823.)

(Extract.)

Sierra Leone, Sept. 15, 1822.

WE have the honour to address to your Lordship an abstract of the case of the Portuguese schooner *Nymfa del Mar*, detained by His Majesty's ship *Iphigenia*, Commodore Sir Robert Mends, off Whydah, in lat. 6. 17. N. long. 2. 55. E. on the 6th of April last, having on board three Slaves.

The *Nymfa del Mar* was lost soon after the capture, at the mouth of the river Sombroero, the three Slaves were brought to Sierra Leone on board of the *Iphigenia*.

The case of the *Nymfa del Mar* came before the British and Portuguese Court for adjudication, on the 22d of July. The Commissary Judges differed in opinion, Mr. Gregory holding that the vessel was liable to condemnation, Mr. Altavilla holding the contrary.

Mr. Fitzgerald, His Majesty's Arbitrator, on whom the decision devolved by this difference, deferred giving his judgment to a future day, which was

delayed, in consequence of indisposition on the part of Mr. Altavilla, to the 28th August. Mr. Fitzgerald had previously communicated his sentiments to Mr. Altavilla and Mr. Gregory, at a private meeting, held on the 10th of August, for the special consideration of the doubtful matters which the case involved.

Mr. Altavilla still retaining his original opinion, the case was decided by the coincidence of Mr. Fitzgerald with Mr. Gregory.

We have been induced to give the abstract of this case more in detail than those of ordinary cases; because the most material fact which it involves has now, for the second time, come under the consideration of the British and Portuguese Mixed Court, and, it is desirable that the principle upon which we have agreed with Mr. Altavilla to regulate our judgments respecting it, should be rightly understood.

We further beg leave to inclose herewith, for the information of your Lordship, the written opinions of His Majesty's Commissioners upon the case of the *Nymfa del Mar*.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 29.)

Abstract of the Case of the Portuguese Schooner Nymfa del Mar, Francisco Velloso, Master.

THE schooner *Nymfa del Mar*, Francisco Velloso, nominal Master, was detained on the 5th of April 1822 off Whydah, in lat. 6, 17. N. long. 2, 55. E. by His Majesty's ship *Iphigenia*, commanded by Commodore Sir Robert Mends.

The *Nymfa del Mar*, at the time of her detention, had a platform laid, and every preparation made for the reception of a cargo of Slaves, about two hundred and fifty in number, collected on shore in readiness for embarkation.

It did not appear that any one of the Slaves purchased for this cargo had been on board of the vessel. But three Negroes who were found on board, named Franco, Antonio and Manoel, "declared that they were intended to be sold at the Brazils, and that they were kept in irons while on shore at Princes Island for the space of about one month, and that while on board the said vessel they were treated in every respect as Slaves, being kept in irons without clothes, and only liberated and clothed after the *Iphigenia* hove in sight."

These are the facts stated in the declaration of Sir Robert Mends, as the grounds for the detention of the *Nymfa del Mar*, and in conformity with them, the petition of the Proctor of the Captors for the usual monition alleges, that the said vessel was detained "for being illegally engaged in the Slave Trade, having on board at the time of capture three Slaves for the purpose of traffick."

The petition adds,—"That the said vessel was shortly afterwards lost at the mouth of the river Sombrero, that the said Slaves had been brought to this Colony in His Majesty's ship *Iphigenia*, having been taken out of the said vessel at the time of her wreck."—"Wherefore, &c." No further information was given to the Court respecting the loss of the vessel or the circumstances attending it.

It appeared by the ship's papers that she was the property of a person named Antonio de Paula arbozo, residing at Bahia, from which place she had sailed in the month of August 1821, having a passport from the Provisional Junta of Government for a voyage "to the Islands of St. Thomas and Princes, with liberty to touch on the Coast of Elmina, for the purpose of trading for articles of the country, with the exception of dealing in Slaves."

Some of the other official papers mention "cloths and oil" as the particular objects of the intended trade, adding, at the same time, a special exception of Slave Trade.

In the ship's roll, Domingo Jose da Costa, a native of England, is named as Master, and Francisco Velloso, who is found in the station of Master at the time of Capture, is enrolled as Mate, or boatswain (contramestre.)

The *Nymfa* proceeded in the first instance, from Bahia to Princes Island, and thence to the Gold Coast. At Princes Island an extraordinary change took place respecting the ship's company: Velloso, who had sailed from Bahia, in the capacity of Boatswain, was made Captain: he states in his answer to the second Standing Interrogatory, that he was put in possession by Antonio de Barra, (Barros) the super-cargo, at Princes Island, Domingo Jose da Costa, the former Master,

disappears, but there is reason to suspect that he still continued in connection with the vessel, and that he was employed on shore in collecting Slaves for the cargo at the time of the capture. In his answer to the fifth Interrogatory, Velloso says, that the other persons of the ship's company, twenty-seven in number, exclusive of himself, "all came on board at Princes Island; they were hired by the Supercargo."

It is probable that this statement with respect to the general crew, had no other foundation in fact, than a new engagement of the original crew for Slave-trading objects; which objects it might not have been prudent to communicate at the time of sailing from Bahia, on a professed voyage of innocent commerce.

In his answer to the same interrogatory, Velloso says, that the vessel was seized "for having some domestic Slaves on board, who were mariners, and have been Slaves for the last ten years."

The Slaves Franco, (or Francisco), Antonio, and Manoel, repeated, in an affidavit sworn by them before the Registrar, the facts already recited, from the declaration of the Captor, of their being confined in irons on shore at Princes Island; of their being embarked in irons, and being treated as Slaves on board, and of the declared intention of selling them as Slaves. The two named Franco and Antonio declared further, "that they belonged to Mr. Xavier, the Governor of Princes, who put them in prison in irons, and told them he would send them off, and sell them; and this he said to them several times, when they begged he would release them."

Velloso, in answer to special interrogatories put to him, on the part of the Captors, declared, "that he took the Slaves, Antonio and Francisco, on board, first at Princes; that the Slave Manoel was on board the vessel when he (the witness) joined her at Bahia"—"that the three Slaves aforesaid, belong to the owner of the vessel;"—"that the aforesaid Slaves have been in irons on shore, but not on board;"—"that Don Jose da Costa is an Englishman; that he was Captain of the vessel at the time the Slaves were purchased."

Upon this evidence the cause came to trial on the 13th of July 1822.

The Proctor for the Captors was heard, and the Judges proceeded to deliver their opinions on the 22d of July

Mr. Gregory observed, that the usual course of inquiry should be directed in this case to the outfit of the vessel, and to the point, whether the vessel had been engaged in the illegal traffick of Slaves.

Mr. Gregory said, that it appeared that the vessel sailed from Bahia for the Coast of Elmina, with the professed object of trading in cloths and oil, and not for Slaves. That she was found by the Captor equipped for the Slave Trade. That the vessel was engaged in the illicit traffick of Slaves at Whydah; that two hundred and fifty Slaves appeared to have been purchased at that Place, but that it was not shewn that any of these Slaves were at any time put on board of the vessel.

Mr. Gregory proceeded to remark, that the disreputable nature of these facts must cause suspicion to rest upon the acts of those concerned in the vessel, that might serve to further the real object of her voyage. And, adverting to the declaration of the Captor, that three Slaves had been shipped at Princes Island, for purposes of traffick, Mr. Gregory observed, that two of these Slaves, Francisco and Antonio, belonged to Mr. Xavier, one of the Governors of the Island, and a noted illicit Slave-dealer; that they were in irons on shore at Princes, and that it appeared they were shipped on board of the "Nymfa del Mar," at Princes, under circumstances of restraint. That although the Master deposed that these two Slaves belonged to the Owner of the vessel, who resided at Bahia, and that they were domestic Slaves, he did not explain how they came to be at Princes, under the control of some person there, when he admitted, that the two Slaves were shipped at that Island.

Considering that the Master had rendered himself criminal by his illicit Slave-trading acts, Mr. Gregory preferred the evidence of the two Slaves, Francisco and Antonio, to that of the Master, and was of opinion that they were taken on board for purposes of traffick, and not for domestic purposes.

Adverting to the case of the Gaviao, Mr. Gregory remarked; that in that case, Slaves described in a petition to the Governors of Princes Island, as free men, were shipped at Princes, on board of that vessel; that on examinations taken respecting them, it was found that they were not free-men, but Slaves; he thought that the shipment of these men was fraudulent, and intended for fraudulent purposes, for purposes of traffick, and upon this presumption, he deemed that the Gaviao had fallen under the provision of the Convention which rendered her liable to condemnation. Mr. Gregory had not the concurrence of his colleagues in the opinion for the condemnation of the Gaviao, expressed by him on that occasion; they thought that a necessity appeared for the embarkation of those men at Princes Island.

The case of the Gaviao appeared to be similar to that of the Nymfa del Mar, and Mr. Gregory confessed, with all deference for the opinions of his colleagues, that he had not seen reason to think differently of the case of the Gaviao.

With respect to the third Slave on board of the Nymfa del Mar, Manoel, Mr. Gregory expressed a doubt whether he was shipped at Bahia or at Princes Island, but Mr. Gregory said that the balance of doubt was in favour of the Slave, and he thought it right that he should be emancipated with Francisco and Antonio.

Mr. Gregory's opinion was, that the Nymfa del Mar had been legally detained, and was liable to condemnation at the time of her detention; and that the three Slaves, Francisco, Antonio, and Manoel, should be emancipated.

Mr. Altavilla, without entering into any detail of reasoning, expressed his dissent from the opinion of Mr. Gregory.

Mr. Fitzgerald, His Britannick Majesty's Commissioner of Arbitration, postponed to a future day the delivery of his opinion, with the reasons for it in detail; but he observed that the case of the *Nymfa del Mar*, although it coincided thus far with the case of the *Gaviao*, that the main question turned upon the legality or illegality of the embarkation of a very small number of Slaves, taken on board at Princes Island, yet the circumstances which attended that embarkation were very different in the case of the *Nymfa del Mar*, from those that attended it in the case of the *Gaviao*, upon which case his opinion remained unaltered.

On Saturday the 10th of August, Mr. Fitzgerald communicated his opinion, and the reasons upon which it was founded, to Mr. Altavilla and Mr. Gregory. It was agreed that the final judgment should be given in Court on Monday the 12th, but Mr. Altavilla having become indisposed in the interval, it was delayed in consequence to the 28th of August.

Before the Commissioners went into Court, an effort was made to induce Mr. Altavilla to agree with Mr. Fitzgerald and Mr. Gregory, so that the decision about to be pronounced should be unanimous. Mr. Altavilla, however, persevered in his former opinion; some of the reasons for which he mentioned, but they cannot be satisfactorily explained in this abridged form.

After the opening of the Court, a further affidavit of the three Negroes was read, in which the one named Manoel declared, that he was purchased in the river Gaboon, "by Antonio Barba, about six years ago, and that he was in prison in Princes Island about four weeks."

The Proctor for the Captors addressed the Court in argument, for the purpose of shewing that the Slave Manoel, being a Slave in property found on board of a vessel engaged in illegal Slave Trade, should be included with the Slaves Antonio and Franco in one common judgment of emancipation.

After some communication with the other Commissioners on this point, Mr. Fitzgerald pronounced the judgment.

Mr. Fitzgerald, in delivering the opinion which was to stand as the final judgment, began by separating from the case the Negro Manoel, that Negro having, by an affidavit sworn since the last Court day, stated that he was purchased six years ago in the river Gaboon by Antonio Barba, who appeared to be the Supercargo of the vessel,—Antonio Barros, a little misnamed in this as in other instances. In considering the evidence upon both sides of the case, Mr. Fitzgerald concluded, from a comparative estimate, that the Negroes Franco and Antonio were personally more entitled to credit as witnesses than the Master Velloso; on a similar estimate he considered that the facts stated by those Negroes were more credible than those alleged by the Master. Upon the principal points, however, the Master did not contradict the Negroes. The Master stated, that they were put on board at Princes Island; that they were purchased there, and that they were the Slaves of Barboza, the owner of the vessel. The natural conclusion was, that they were sold by their former Master, Mr. Xavier, of Princes Island, to the Agent of Barboza; and it was further to be concluded, that the intention in purchasing them was to add them to the general cargo of Slaves, unless a different and a legal purpose could be shewn. The burthen of the proof lay upon the Master, who neither gave nor offered any justification, nor any explanation whatsoever, and in this consisted the difference between the case of the *Nymfa del Mar*, and the case of the *Gaviao*; that in the case of the *Gaviao* a sufficient justification appeared to him to be fully established, while in the case of the *Nymfa del Mar*, nothing that had a tendency to justification appeared.

In the case of the *Gaviao*, there was a petition to the Governor of Princes Island, for permission to embark the four Negroes taken on board there; and permission was granted in consequence. The application of the term "freemen" in the petition, to Negroes so recently purchased as Slaves, was explained by the intention to make them free and to employ them as free mariners.

In the case of the *Nymfa del Mar*, no permission to embark the Negroes was obtained or sought.

In the case of the *Gaviao*, a reduction of the original crew was assigned as the cause of the embarkation, and upon investigation that reduction was ascertained to be true.

In the case of the *Nymfa del Mar*, no cause was assigned.

In the case of the *Gaviao*, the alleged confinement of the Negroes in irons was disproved, with the exception of a temporary restraint on one who wanted to destroy himself; and with respect to him, the restraint was removed, when the object of it was attained, by inducing him to take food.

In the case of the *Nymfa del Mar*, the restraint of irons is fully proved.

In the *Gaviao*, the Negroes were treated as part of the crew.

In the *Nymfa del Mar*, the Negroes were not allowed to mix with the crew, but were treated as Slaves destined for the traffick.

In the case of the *Gaviao*, not a Slave was purchased for a general cargo.

In the case of the *Nymfa del Mar*, two hundred and fifty were purchased, and ready for embarkation, to whom the two individual Slaves would naturally be added.

On the same grounds, therefore, on which the *Gaviao* was restored, and by the same course of reasoning upon them, the *Nymfa del Mar* should be condemned.

It may be allowed to him farther to observe, with some satisfaction, that the evidence upon which the decision in the case of the *Gaviao* rested, was subsequently confirmed in several ways.

While the claim for damages was pending, suspicions having arisen that some of the men who were stated to have left the *Gaviao* were in reality still on board, an investigation was instituted with the express intention of reversing the former decision if those suspicions should be realized. The result of that investigation confirmed the former evidence, and furnished additional circumstances connected with the departure of the principal individuals. Aside, the first Pilot, had quarrelled with the Master, and recovered his wages from him by law at St. Paul de Leando,

where he left the ship. Further, the Negroes who had been taken into the Gaviao at Princes Island and St. Thomas's, were employed on shore at Sierra Leone as freemen, in occupations more or less profitable, one of them receiving five shillings a-day as a cooper; yet all of them by free choice left the Colony with their Master; and this is certainly a decisive proof that they did not consider the situation in which they thus replaced themselves to be that of Slaves destined for the traffick.

More recently still it was ascertained, by some of the papers found on board the Conde de Villa Flor, that the first Clerk in the original roll of the Gaviao, who was stated to have gone on board another vessel belonging to the same Owner, was in fact on board a vessel belonging to that Owner at Bissao at the time when the Gaviao was taken at Calabar. This vessel was the *Bella da Dios de Morgueira*. The name of the first Clerk was Azevedo.

These confirmatory circumstances were entitled to greater consideration, as the question in these cases must be entirely a question of evidence, and not a question of law; for the law was settled among the preliminary points in the case of the Gaviao.

By the unanimous agreement of the Commissioners in that case,—“An embarkation of Slaves for the traffick from any of the Portuguese Settlements on the Coast of Africa north of the Equator, such as St. Thomas's or Princes Island, is to be considered equally illegal, and as much in violation of the Treaty and Convention between Great Britain and Portugal, as an embarkation of Slaves from any of the Places of ordinary resort for the illegal traffick among the African nations.”

It only remains, therefore, to ascertain whether the embarkation be for the traffick or not; and that is matter of evidence; the only difference of opinion that can take place upon it is as to the effect of evidence.

The evidence in the case of the *Nymfa del Mar* being in Mr. Fitzgerald's opinion so decisive of an embarkation for the traffick, he gave the final judgment accordingly, that the *Nymfa del Mar* was at the time of capture engaged in the illegal Traffick for Slaves, and, therefore, was subject and liable to condemnation if she had not been lost at sea. The two Negroes, Franco and Antonio, were consequently to be emancipated. The negro Manoel being the Slave of the Supercargo for several years, could not be considered in any other way than as the domestick Slaves generally found on board of condemned Slave ships. It had not been hitherto the usage of the Courts of Mixed Commission to include those Slaves in their decrees of emancipation. The Treaties having declared, that Negroes in such situations cannot in any case be deemed sufficient cause for detention, and that they were to be regarded as Portuguese sailors, this exempted them, as it appeared, from the jurisdiction of those Courts. While those Negroes remained on British ground they could not be molested by any claim on the part of former Owners or Masters; and if they valued their freedom they would not place themselves within the grasp of their Masters.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

(Second Inclosure in No. 29.)

Mr. Gregory's Decision on the Case of the Portuguese Brig, Nymfa del Mar, Jose Francisco Vellozo, Master, detained off Whydah, in lat. 6 deg. 17 min. N. long. 2 deg. 55 min. E. on the 6th April 1822, by Commodore Sir Robert Mends, commanding His Majesty's Ship Iphigenia.

IN doubtful cases that have come under the jurisdiction of this Court, the first subject of enquiry has been, whether the vessel to be adjudged was fitted out for the Traffick in Slaves, and the next, whether she was illegally engaged in the traffick at the time of detention. These enquiries have been found to be of material importance, as they elucidated points that would, but for them, have remained in a doubtful light, and they have forwarded the general decisions on the cases.

This course of enquiry is absolutely necessary in the present case, which is of a class that has only in one instance (the Portuguese brig Gaviao) been under the notice of the Commissioners.

This vessel sailed from Bahia on the 14th of August 1821, with a professed destination for the Coast of Elmina, and for the Islands of Princes and Saint Thomas; her clearance papers state that she was to proceed to those Places “for cloths and oil, and not for Slaves.”

Vellozo, the Master, swears, that the *Nymfa del Mar* was provided with a royal passport similar to one that was shewn to him belonging to the Portuguese schooner *Adelaide*, lately condemned in this Court, and which passport was conformable to the model that is annexed to the Convention.

No passport to authorize a Slave-trading voyage is found amongst the papers of the *Nymfa del Mar*, as indeed such a document could not have been given, consistently with the professed object of the voyage.

Vellozo states, that the *Nymfa del Mar* went to Princes Island, and from thence to Whydah. At Whydah the true intent of the voyage was shewn by the purchase of two hundred and fifty Slaves. It does not appear, however, that any one of these Slaves was at any time embarked on board of the vessel; but platforms were laid and food provided for the subsistence of a cargo of

Slaves, when the *Nymfa del Mar* was detained by Commodore Sir Robert Mends, commanding His Britannick Majesty's ship *Iphigenia*, on the ground that she had on board three Slaves who had been taken in the vessel at Princes Island for the purposes of traffick.

The facts here related shew a two-fold criminality on the part of those who were concerned in the *Nymfa del Mar*: first, as deception was used to cover the real object of the voyage; secondly, as a Traffick in Slaves was pursued on a part of the Coast of Africa, where the traffick is forbidden, as well by the Convention under which this Court is constituted, as by a particular law of Portugal.

As criminality increases in degree, so must a just suspicion arise and attach itself to the acts of the criminal party that in the least have a tendency to further its main object. The object in this case was gain,—guilty gain; every act then that could serve to feed the spirit of avarice is to be viewed with much suspicion. This observation I apply to the act of the embarkation at Princes Island of the two Negroes, Franco, or Francisco, and Antonio, for to this embarkation the Captors appeal, as entitling them to a favourable decree.

The *Nymfa del Mar* was unfortunately lost near the entrance of the river *Sombbrero* shortly after her detention; this loss makes the present suit to be one for the purpose of procuring for those two Negroes, Antonio and Franco, and for another, named Manoel, certificates of emancipation, with a decree, that the vessel was legally detained, and that she was at the time of her detention liable to be condemned as lawful prize. The propriety of granting this decree is to depend on the merits of the question, of whether these three Negroes were put on board for the purposes of traffick, or merely to be employed in the service of the vessel as servants or sailors.

The question of whether a Slave be intended for domestick purposes, or for the purposes of sale, must, in a great measure, be resolved by the circumstances under which he was placed on boardship, and by a consideration of the place of his shipment, together with a view of the character of those by whom, and with whom he was shipped. It is a question that must almost altogether depend on these considerations: for what under the circumstances of one case may render the detention of a vessel justifiable, may under the circumstances of another case render it unjustifiable. As, for instance, in the case of a declared illegal Slave-trader bound to the Brazils, having on board of his vessel a Slave or Slaves shipped under circumstances of restraint, at a port of Africa that is a notorious haunt of illicit dealers in Slaves; a cruiser, I apprehend, would be justified in detaining a vessel, if these circumstances appeared to him, whereas he might not be justified in detaining a vessel, whether a fair trader or not, bound from the Brazils to Africa, on board of which there should appear a Slave or Slaves who had also been shipped under circumstances of restraint. In the first instance there would be a strong presumption that the Slave or Slaves were intended for the purposes of traffick; but in the second instance scarcely a presumption could be raised that they were intended for such purposes.

In stating thus much I may be said to have prejudged the question that is now before the Court, for the present case is included in the instance first mentioned.

The affidavit made by Antonio and Franco, or Francisco, states, that "they were sent on board of the schooner *Nymfa del Mar* in irons as Slaves; that they know they were to be sold again as Slaves, because the Captain and the people of the schooner told them so, and because they were never treated as part of the crew." They further swear that "they belonged to Mr. Xavier, the Governor of Princes, who put them in prison in irons, and told them he would send them off and sell them, and this he said to them several times when they begged he would release them."

The Master, in answer to the fifth standing interrogatory, says, the vessel was seized for having some domestick Slaves on board, who were mariners, and have been Slaves these last ten years, and were brought from Princes Island. In answer to special interrogatories, Vellozo says, that "he took the Slaves, Francisco and Antonio, on board first at the Island of Princes; that the Slave Manoel was on board the vessel when he, Vellozo, joined her at Bahia; that the three Slaves aforesaid belong to the Owner of the vessel; that the aforesaid Slaves have been in irons on shore, but not on board."

It is here admitted, that Francisco and Antonio were taken on board at Princes Island; that they were in irons on shore; so far the evidence of Vellozo agrees with that of Francisco and Antonio, but his further evidence is at variance with that of the Slaves, as he says, that they belonged to the Owner of the vessel, who was Antonio de Paola Barboza, of Bahia, and that they were not in irons on board. It is not explained by Vellozo how these Negroes, who he says belonged to a person at Bahia, came to be at Princes Island and under the control of some person there.

Allowing that the state of a Slave must make him to be an interested party, where it is a question whether he shall exchange a state of slavery for a state of freedom, yet I think it would be harsh to view his evidence with an unfavourable eye, when contrasted with the evidence of an illegal Slave-trader. The dealer in Slaves, when brought here, is perfectly acquainted with the situation in which he is placed; his answers, as we know from experience, are directed to place his case in a favourable light, and, when this cannot be done, to shift the responsibility incurred from Slave-trading acts from himself to others who are absent. The Slave we have found not to be generally acquainted with his situation when brought to this Colony; he may have had given to him an idea that he may here receive his freedom, but in what manner he cannot reasonably be supposed to know, and his answers must be given without design or premeditation; generally speaking this must be the case, although we have had an instance to the contrary.

With this disposition to prefer the evidence of a Slave to that of a declared illegal Slave-trader, I prefer in the present instance the evidence of the two Slaves, Antonio and Francisco, to that of Vellozo,

the Master, and taking into consideration that they were shipped by a person who has rendered himself criminal by his illicit Slave-trading acts; that they were shipped under circumstances of restraint; that they belonged to the Governor of Princes Island, whose name, I regret to say, appears in the records of this Court as being concerned with illegal Slave-trading expeditions, and who does not appear to have been restrained from participating in such expeditions, either by a sense of the duties of his situation, or by the fear of a shameful exposure of his actions; I say, taking these circumstances into consideration, I feel it to be my duty to declare my opinion that the two Slaves, Antonio and Francisco, were taken on board for purposes of sale, or of traffick, and not for domestick purposes.

In the case of the Gaviao, Slaves, described in a petition to the Governor of Princes Island as freemen, were shipped at Princes on board of that vessel: on examinations taken regarding them it was found, that they were not freemen, but Slaves. I thought that the shipment of these men was fraudulent and intended for fraudulent purposes,—that is for purposes of traffick; and upon this presumption I deemed that the vessel had fallen under the provision of the Convention which rendered her liable to condemnation.

The opinion that I gave on that case was as follows:

“ By the Convention the purchasing of Slaves for the purposes of traffick to the north of the Line is rendered illegal.

“ I consider that, according to the letter and to the spirit of the Convention, the shipment of Slaves at the Islands of Saint Thomas and Princes, both of which are situated to the north of the Line, for the purposes of the traffick, is to be viewed in the same manner as if the Slaves were shipped on the prohibited part of the Continent of Africa, otherwise illicit traders would elude the vigilance of the Portuguese Authorities, making those Islands, which are so nearly situated to the great Slave-trading markets to the north of the Equator, depôts for Slaves drawn from thence.

“ In this case it does appear to me that Macedo sought to elude for fraudulent purposes, and that in fact he has eluded, the vigilance of the Governor of Princes, by giving a false character to the Negroes embarked at that Island. I should not feel myself justified in a disregard of the fraudulent shipment of these Negroes, as, in my idea, such a disregard would be followed by other and more serious abuses of the permission granted by the Convention to embark Negroes on board of merchant vessels as servants or sailors.”

I had not the happiness to have the concurrence of my colleagues in this opinion; they thought that a necessity appeared for the embarkation of these men at Princes Island.

In the interval that has passed, since the decision on the case of the Gaviao was given, I must confess, with all deference for the opinion of my colleagues, that I have not seen reason to think differently of that case.

I have chosen to rest this case upon the evidence of Francisco and Antonio, as it has appeared to me that the intent to traffick is more fully shewn with respect to them than it is shewn with respect to Manoel, by his evidence. I think that the Captors have been deficient in not making it appear to whom Manoel belonged. The Master says that Manoel was in the vessel when he joined at Bahia; but the name of the Slave does not appear in the muster-roll of the crew.

It appears certain, however, that Manoel was in irons on shore at Princes, with the two Slaves Antonio and Francisco. I am in doubt whether Manoel was shipped at Princes or at Bahia, but the balance of doubt is in his favour, and I accordingly think it right that he should be emancipated with Francisco and Antonio. In conclusion, I give it as my opinion, that the Nymfa del Mar was justifiably detained by Sir Robert Mends; that she was liable to condemnation for being illegally engaged in the Traffick in Slaves; and that the three Slaves, Antonio, Francisco, and Manoel, should be emancipated from Slavery.

July 22, 1822

(Signed)

E. GREGORY.

(Third Inclosure in No. 29.)

Decision of Mr. Fitzgerald, His Britannick Majesty's Commissioner of Arbitration, upon the Case of the Portuguese Schooner Nymfa del Mar.

IN this case the British and Portuguese Commissary Judges had expressed opposite opinions; the former holding that the vessel was liable to condemnation, the latter conceiving that a right to restitution was established. The Commissary Judges delivered their opinions on the 22d of July. Mr. Fitzgerald having taken further time to consider, consulted with the Commissary Judges on Saturday 10th of August, and communicated to them his opinion, and the grounds upon which he had formed it. That opinion was delivered as the final decision on the case, in the British and Portuguese Court of Mixed Commission on the 28th of August 1822.

The Portuguese schooner, Nymfa del Mar, Francisco Velloso Master, was detained by Commodore Sir Robert Mends, commanding His Majesty's ship Iphigenia on the 6th day of April 1822, off Whydah, in the Bight of Benin, in lat 6 deg 17 min. N. and in long. 2 deg 55 min. E. having on board, as the declaration of the Captor states, “ three men Slaves taken on board at Princes Island.” The grounds of detention were, “ that the said vessel, at the time of de-

attention, had a platform laid and every preparation made for the reception of a cargo of Slaves. That the three men Slaves, viz. Antonio, Franco, and Manoel, declare, that they were intended to be sold at the Brazils; and that they were kept in irons while on shore at Princes Island for the space of one month; and that while on board the said vessel they were treated in every respect as Slaves, being kept in irons without clothes, and only liberated and clothed when the Iphigenia came in sight."

The declaration of the Captor, from which this statement is extracted, proceeds thus: "They were also informed by the crew of the vessel, that there was a large cargo of Slaves, about two hundred in number, collected on shore ready for embarkation."

Who those were that were thus informed by the crew of the vessel is not clear; but it would seem that the information had been given in the first instance to the Slaves, Antonio, Francisco, and Manoel; and that it was by them communicated to the Captors.

The affidavit of Sir Robert Mends, upon lodging the papers of the Nymfa del Mar in the Registry of the Court, states, "that he seized the schooner, or vessel, called the Nymfa del Mar, whereof Joze Francisco Velloso was Master, by reason that the said vessel was employed in the Traffick in Slaves, contrary to the existing Treaties entered into with His Britannick Majesty and His Most Faithful Majesty the King of Portugal."

The petition of the Proctor for the Captors, praying the usual monition, states, that the vessel was detained "for being illegally engaged in the Slave Trade, having on board at the time of capture three Slaves for the purpose of traffick; that the said vessel was shortly afterwards lost near the mouth of the river Sombbrero. That the said three Slaves have been brought to this Colony in His Majesty's ship Iphigenia, having been taken out of the said vessel at the time of her wreck."

These papers, the declaration and affidavit of the Captor, and the petition of the Proctor, are to be considered as standing in the place of a libel, and as containing a statement of the facts by which the case for the Captors is to be supported.

It is rather extraordinary that the loss of the vessel is not in any way brought under the view of the Court, except as it is noticed in the petition of the agent for the Captors, where it is mentioned as a mere incidental matter, not supported by any affidavit, not explained by any statement of facts or circumstances: after what had been said in other cases, it cannot be regarded otherwise than as matter of culpable neglect that this deficiency was not supplied, at least after the opinions to which allusion is here made were expressed in open Court.

The want of information respecting the time and manner of this loss might place the Court in circumstances of great difficulty and delicacy in that part of this case, that has relation to the vessel. Velloso, the Master of the Nymfa del Mar, says, in his answer to the 8th standing interrogatory, "The first port the schooner touched at after capture was Honee, from thence to the river Sombbrero, where she was wrecked: does not know for what reason she touched at those Places, nor does he know what communication took place with the boats and the shore."

In a case of such doubtful nature, coming for decision to the third Member of the Court, in his strict capacity of Arbitrator, if it should happen to be thought by him a case for restitution, although there might be circumstances to justify the detention, damages must be awarded unless a proper explanation of these deviations could be given; the duty of Captors being in all cases to bring the detained vessel directly to the place of adjudication, if they are not prevented by causes, the sufficiency of which, as well as the reality, is to be shewn by them when any question is raised respecting those points.

The question of the legality of the detention of the Nymfa del Mar, as it now stands for the decision of the Court, rests upon the point of the embarkation of the three Slaves, Antonio, Franco, and Manoel, whether they were embarked for the purposes of the traffick, or for purposes not immediately connected with the traffick. The facts of the purchase of a cargo of two hundred and fifty Slaves collected on shore and ready to be embarked, and of the platform being laid on board of the vessel in readiness for the reception of those Slaves, however decisive as to the immediate employment of the vessel in the illegal traffick, are not sufficient to warrant the condemnation of the ship, or other judgment equivalent to condemnation, unless the further fact of the embarkation of a Slave or Slaves for the purposes of the traffick be joined with them. Such embarkation is alledged in this case to have taken place in the instance of these three Slaves, and it is not alledged to have taken place in any other instance. According to the papers connected with the outfit of this vessel from Bahia, the object of her voyage was to trade for articles of lawful commerce, with an express exception against engaging in any way in the Slave Trade: her destination was for the Island of St. Thomas and Princes Island, with liberty to touch on the Coast of Elmina. Notwithstanding the express exception against engaging in any way in the Slave Trade, she is found on the coast near Whydah with a cargo of Slaves, purchased and collected on shore, in readiness for immediate embarkation. She had already touched at Princes Island; and it is alledged that these the three Slaves, Antonio, Franco, and Manoel, were taken in for the purposes of the traffick.

At Princes Island it appears an important change took place with respect to the Officers and crew: the present Master who stands on the original ship's roll as mat' or boatswain, (contramestre) receives the command of the vessel; he is put in possession of her, as he says, by the Super-cargo, Antonio Jose de Barros. The former Captain, Domingo José da Costa, enrolled as a native of England, disappears from his station; but there is reason to think that he is the same person who is subsequently mentioned as the American Captain, in a note written by Barros; apparently from the shore while the cargo was in preparation. This note is without a date, it is signed Barros,

and is addressed to Velloso on board of the Nymfa. It conveys, among other matters, directions from "the American Captain" to get the vessel painted, and "the American Captain" is again mentioned, in connection with the expected departure of the vessel from the coast, in such terms as leave no doubt that he was the person actually in command. I think that there is as little room to doubt that this American is the same person who appears in the original list as Domingo da Costa, a native of England.

Velloso tells us, in his answer to the sixth standing interrogatory, that the number of "Officers and Mariners on board were twenty-seven, exclusive of himself;" he adds that "they are all Portuguese subjects; they all came on board at Princes Island; they were all hired by the Super-cargo."

It is impossible to reconcile this statement with the list of the crew found among the original clearance papers from Bahia, unless indeed we are to understand that a new voyage and a new company were taken up at Princes Island, or at least that a new engagement was made for new purposes with the old company. Either of these suppositions would lead to a direct conclusion of a covert design of illegal Slave Trade in the original preparation of the voyage, that design being attended with circumstances of dissimulation and bad faith, which necessarily tend to destroy the credit of all those concerned in it. On the other hand if we suppose that the Master has given an untrue statement, and that the crew is the same as that originally enrolled at Bahia, still serving under the same circumstances, that untrue statement must impair the credit of the party making it in other points also.

If then we place the statement contained in the affidavit of Antonio, Franco, and Manoel, in competition with the alternative of a fabricated ship's-roll prepared at Bahia for undue and illegal purposes, or of a false statement of a new crew engaged at Princes Island, the balance of credibility will necessarily be in favour of the three Negroes.

The statement made by the Negroes in their affidavit is "that they were severally carried from the coast as Slaves and landed at Princes Island; that they were sent on board the schooner Nymfa del Mar in irons as Slaves; that they know they were to be sold as Slaves, because the Captain and people of the schooner told them so, and because they were never treated as part of the crew."

Franco and Antonio further make oath "that they belonged to Mr. Xavier, the Governor of Princes, who put them in prison in irons, and told them he would send them off and sell them, and this he said to them several times when they begged he would release them."

In opposition to these statements, we have the answers of the Master, Velloso, to special interrogatories put to him on the part of the Captors, in which answers he says, "that he took the Slaves, Francisco and Antonio, first on board at the Island of Princes, that the Slave Manoel was on board the vessel when he joined her at Bahia," he says that "the three Slaves aforesaid belong to the Owner of the vessel, that the aforesaid Slaves have been in irons on shore, but not on board." He had previously said, in his answer to the fifth standing interrogatory concerning the grounds of the seizure of the vessel, that "she was seized for having some domestick Slaves on board who were mariners, and who were Slaves the last ten years, and were brought from Princes Island."

It is remarkable that on this statement the Master does not make any distinction with respect to Manoel, whom he subsequently states, in his answers to the special interrogatories, to have been on board the vessel when he himself joined her at Bahia. It appears in fact that he had not any other intention when examined upon the standing interrogatories, than that of including the whole of the crew in the one alledged general shipment at Princes Island. Allowing him, however, to separate Manoel, and making the question to rest upon the embarkation of Franco and Antonio, which of the two statements is the more credible, that of the Master asserting, that these Slaves were mere domestick Slaves put on board as mariners, or that of the Slaves themselves, who say they were put on board in order that they should be subsequently sold, unless indeed they were sold before their embarkation by Mr. Xavier, to the Agent of Barboza, the Owner of the Nymfa del Mar, and then it would remain to be shown, how they were to be regarded as distinct from the general cargo of Slaves to the amount of "two hundred and fifty in number," who were, as the Master avows, in answer to the fourteenth standing interrogatory, purchased on shore at Whydah for the purpose of embarking, "but in consequence of a few being wanted they were not shipped."

In estimating the point of personal credibility, it has already appeared that the balance inclined in favour of the Negroes against the Master. In estimating the matters of fact reciprocally alledged by those parties, together with the attending circumstances, when we bear in mind that the two Slaves, Franco and Antonio, according to their own statement, were kept in irons on shore by their former Master, Mr. Xavier, and threatened with a determination to sell them, when they begged him to release them; that they were subsequently put on board in irons as Slaves; that they were told by the Captain and people that they were to be sold again as Slaves; and that they were not treated as part of the crew: bearing in mind also, that a cargo of Slaves has been purchased for this vessel in violation of the Treaty and Convention between Great Britain and Portugal, and equally in violation of the passport granted for this special voyage, a strong primary impression is made, that these two Slaves were embarked for purposes of the traffick. This impression must remain in force unless it be removed by opposite evidence; but if we look to the opposite evidence in this case, what is the amount of it?

The Master, in his answers to the special interrogatories put on the part of the Captors, states, that Franco and Antonio were taken on board at Princes Island; that they had been kept in irons,

on shore, but were not kept in irons on board; that they belong to the Owner of the vessel. There is not in this any thing contradictory of the statement of Franco and Antonio, that they belonged to Mr. Xavier, of Princes Island, who kept them in irons, with a declared determination to sell them. On the contrary, if the statement of the Master be true, it is to be inferred, that Mr. Xavier did sell them to the agent of Barboza, the Owner of the *Nymfa del Mar*. Neither is there any thing to contradict the destination for further sale, which these Slaves declare on the authority of communications from the Captain and people of the schooner to them. The natural conclusion is, that these two would have been thrown into the general cargo, to take the course of the market at Bahia, and that this was the intent and purpose of their embarkation.

Being about to pronounce in this case an opinion different from that which I formed on the somewhat similar case of the *Gaviao*, in which I had to decide, as in the present instance, upon diversity of opinion between the two Commissary Judges, it is incumbent upon me to shew the difference of circumstances in the present case, upon which the difference of my opinion respecting it, from that given by me in the former case, is founded.

This explanation is the more necessary, as Mr. Gregory has adverted to the case of the *Gaviao*, with expressions of satisfaction with his own opinion upon that case, and of his conviction of the propriety of judging this case by the application of the principles, and the reasoning by which that opinion was guided and regulated. It will be seen, that, although I agree with Mr. Gregory on the decision to be pronounced in this case, the principles and the reasonings from which my coincidence with him arises are the same that governed my judgment in the case of the *Gaviao*, and upon that case I still adhere to the opinion given by me in judgment upon it.

Before I enter into the comparative view which I propose to take of the circumstances of the cases of the *Gaviao*, and of the *Nymfa del Mar*, with respect to the embarkation of the Negroes taken on board of both those vessels at Princes Island, and with respect to the objects and purposes of that embarkation, I think it proper to separate the Negro Manoel altogether from the matter in question: that Negro states, in his part of the supplementary affidavit of the Negroes, filed since the last hearing of the cause, "that he was purchased in the river Gaboon, about six years ago, by Antonio Barba, and that he was in prison at Princes Island about four weeks." The person who is here called Antonio Barba, is, I conceive, no other than the Supercargo, Antonio Jose de Barros. I do not see how this Negro, so many years the Slave of a Master who was on board of the vessel, or nearly connected with her, can be excluded from the exemption from the rigorous provisions of the Treaty, established by the Treaty itself with respect to Slaves so circumstanced. I do not see how his imprisonment on shore for some time previous to his embarkation, or even his being in irons on board, or any other of the cruel hardships incident to a state of slavery, can furnish ground for a judgment adverse to the Owners, so far as the case has relation especially to him.

The case of the *Nymfa del Mar* rests therefore upon the legality or the illegality of the embarkation of the two Negroes, Antonio and Franco.

The difference of the circumstances of the embarkation of these two Negroes at Princes Island, from the circumstances of the embarkation of the Negroes taken on board at that Place, by the *Gaviao*, are these:—

In the case of the *Gaviao*, there was a petition to the Governor of Princes Island, for leave to embark the four Negroes taken on board of the *Gaviao* at that Place: that petition stated, as the ground of the application, that the vessel wanted some additional hands. The permission of the Governor was granted, and these four Negroes were taken on board of the *Gaviao* accordingly.

In the case of the *Nymfa del Mar*, no such permission is shewn to have been granted or sought.

In the case of the *Gaviao*, the truth and the sufficiency of the motives of the embarkation were strictly investigated. The reduction of the original crew, the cause assigned for the want which these Negroes were to supply, was considered to be fully proved.

In the case of the *Nymfa del Mar*, no cause whatever is assigned for the embarkation of the Negroes, Franco and Antonio.

In the case of the *Gaviao*, the allegations that the Negroes were kept in irons were disproved, with the exception of the temporary employment of them for the correction of a Negro of perverse disposition, named Now, who refused to take food, and wanted to destroy himself, and even in that instance the irons were taken off as soon as the perverseness was corrected.

In the case of the *Nymfa del Mar*, the employment of irons while the Negroes were on shore is admitted by the Master: the employment of them on board also is not disproved sufficiently to counteract the declaration of the Negroes that they were so employed.

In the case of the *Gaviao*, the Negroes were occupied in the works of the ship, and treated as the rest of the crew.

In the case of the *Nymfa del Mar*, these Negroes were kept distinct from the crew, and treated as Negroes are when destined for the traffick.

In addition to these distinctions, which are sufficiently numerous and sufficiently marked, there is this further and most material difference, that, in the case of the *Gaviao*, it was clearly proved that not one Slave had been purchased for the cargo in the ordinary way of the trade. In the case of the *Nymfa del Mar*, it is proved, and it is admitted, that a cargo of two hundred and fifty Slaves were purchased and in readiness for embarkation on shore, at the time of capture.

In all cases in which actual Slave Trade exists, in this general form, the purchases and shipments of individual Negroes within the prohibited limits must be taken to be illegal, unless suf-

ficient cause be assigned and satisfactorily proved. In the case of the *Gaviao*, although no general Slave Trade existed, the particular embarkation was justified by cause assigned and fully proved. In the case of the *Nymfa del Mar*, although the existence of general Slave Trade is proved and admitted, no justification is offered, no cause, no excuse is assigned for the particular shipment; on the same grounds, therefore, upon which the *Gaviao* was restored, and upon every one of those grounds, and by the same reasoning upon them, the *Nymfa del Mar* should be condemned.

Since it has been necessary to notice so far the case of the *Gaviao*, I think it not amiss to add here, what may be considered as after-proofs, confirming the prior evidence upon which the judgment in that case was pronounced.

The minute and protracted investigation of the claim for damages consequent upon the restitution, kept the case very long under the view of the Court, and, according as any particular circumstance arose to affect the general low estimation of the credit of Slave-trading witnesses, suspicions were from time to time formed, which were not in any instance suffered to pass out of sight until it was ascertained that they did not afford any ground to reconsider the judgment already passed. If any such ground should have been discovered, I distinctly expressed to Mr. Gregory my intention to revert upon the prior part of the case, and to deprive the Claimant of the benefit of the decision pronounced in his favour.

It did happen that a suspicion was excited that the men who were said to have left the vessel were still on board. I proposed immediately that, without giving any notice, the whole of the persons on board should be brought before the Court in a body. Mr. Altavilla offered to accompany Mr. Gregory or myself on board the vessel, in order to make the investigation there; but the unfavourable state of the weather, and the reports of the foul and noisome condition in which the vessel was, caused that proposal to be declined. All those of the crew whose health would admit were brought hither into Court before the Commissioners, and it was found that, although there was one man on board whose name was not on the roll, and who had not been mentioned to the Court, there was not any one on board, of those who were stated to have left the vessel, and every one of them had been on board originally. The circumstances connected with the departure of some of them were more particularly explained. One of them, who had been Pilot, quarrelled with the Master, and sued him at law for his wages, at St. Paul de Loando, where the vessel put in on her first arrival upon the coast; there that Pilot left the vessel, and the Judge of the Court awarded his wages to him. The name of this person was Ateide.

The seaman who had not previously appeared had been taken on board at Bahia; he gave the name of the Portuguese frigate by which two men of the *Gaviao* were impressed off that place. She was called the *Boadora*. She was known to him as having been built at Bahia.

Another circumstance which excited suspicion was, that four convicts had been sent to Angola, as a place of transportation from Pernambuco, on board of the *Gaviao*. No mention had been made of these in the course of the examinations, and that was the ground of the suspicion connected with them.

It was found upon inquiry that they did not form any part of the crew; neither did they interfere with the correctness of the statement given by the Master; it was therefore thought that no ground existed for instituting a more formal investigation.

The total number of men on board of the *Gaviao*, including the three Negroes from St. Thomas's, and the four Negroes from Princes Island, was only twenty, a number far short of her due complement, according to the usual average of crews in the Portuguese Slave Trade.

After the final close of the case, still further circumstances arose confirmatory of the grounds of the judgment that had been pronounced. The Slaves taken on board of the *Gaviao*, at St. Thomas's, and at Princes Island, with the exception of the one named Now, who is still at Regent Town, were settled at Sierra Leone as freemen, in several employments, more or less profitable; one of them a cooper, who was put on board at St. Thomas's, was in the service of Mr. George Nicol, who paid him five shillings a day, and was well satisfied with him; yet all of these, this cooper as well as the others, made choice to re-embark on board of the *Gaviao* to accompany their Master, Macedo, to his ulterior destination, rather than to remain in this Colony. This is, at least, a convincing proof that they did not look forward to any rigorous slavery; much less to being subjected to the ordinary purposes and the common course of the traffick.

A further circumstance still of confirmation, of the evidence upon which the decision of the case of the *Gaviao* rests, was found more recently in the perusal of the mass of papers of every description brought into the British and Portuguese Mixed Court in the case of the *Conde de Villa Flor*. In the special examination of Macedo, the Master of the *Gaviao*, when that person was required to account for the departure of every individual absent from the ship's company, according to the original roll, he stated that Azevedo, the first Clerk named in that roll, did not sail with him, having gone on board of another vessel belonging to the same Owner. Among the papers on board of the *Conde de Villa Flor* a log-book was found belonging to a vessel called the *Bella-do Dios da Morgueira*, the property of that Owner, Elias Coelho Cintra, of Pernambuco. That log-book contained the journal of a voyage of that vessel from Pernambuco to Bissao, at the time when Macedo was on the voyage in which he was taken in the *Gaviao*; and in that log-book Azevedo was named as first Clerk of that vessel.

This is a trifling circumstance in itself, but it is strong in confirmation of the reality of that deficiency of which the absence of the identical person formed a material part.

The reference so particularly made to the case of the *Gaviao*, will be my excuse for reciting these circumstances, collected and marked in remembrance by me, with reference to that case which did not cease to engage my most anxious consideration, for I was well aware that my decision upon

that case would undergo a rigid scrutiny, as being the first instance in which a British Commissioner decided for the restitution of a vessel detained on a charge of being engaged in illegal Slave Trade. I was also well aware that there were individuals who would employ every art and every effort to bring that decision into disrepute and disgrace. I have had, therefore, a satisfaction which will be easily understood in the accession of these circumstances of confirmation to my former conviction; and without undervaluing Mr. Gregory's confidence in the propriety of his opinion, I am strengthened in my confidence of the propriety of mine.

The case of the *Nymfa del Mar*, has been shewn to be altogether different from the case of the *Gaviao*, in the most material circumstances, and it is in consequence of that difference that I pronounce a decision as different. In the case of the *Gaviao*, the Slaves taken on board at St. Thomas and Princes Islands, appeared to have been embarked for other purposes than those of the Traffick. In the case of the *Nymfa del Mar*, the Slaves, with respect to whom the question has arisen, appear to have been embarked for the purposes of the traffick, and for those purposes alone. The question is not, as the Agent for the Captors has contended, a mere question of law, on the contrary it is a mere question of evidence. The late additional Article has strengthened the law; but the principle of the law of this case I consider to have been settled in the case of the *Gaviao*; in which it was agreed that an embarkation of Slaves for the traffick from the Islands on the African Coast, belonging to Portugal, is to be regarded as on the same footing with an embarkation of the same nature from the coast itself. The question is, therefore, a mere question of evidence, with the view to ascertain whether the embarkation was for the traffick; in this case, it is proved to my full conviction that the embarkation was for the traffick.

The decision is, that the *Nymfa del Mar*, at the time of her detention, was engaged in the illegal traffick for Slaves, and that she was subject and liable to condemnation, and would be condemned as prize to the Crowns of Great Britain and Portugal, if she had not perished at sea.

The Slaves belonging to the *Nymfa del Mar*, to whom the principles and the reasoning upon which this decision rests are applicable, are to be emancipated. These are the two named Antonio, and Franco, or Francisco. The third Slave, Manoel, does not come under the provisions of the Treaty and Convention between Great Britain and Portugal, or rather he is excluded from the operation, by special provisions contained in the Treaty as well as in the Convention, respecting Negro servants and sailors belonging to Subjects of the Crown of Portugal.

(Signed)

EDWARD FITZGERALD.

No. 30.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 16, 1823.)

(Extract.)

Sierra Leone, Dec. 8, 1822.

We have the honour to forward to you an abstract of the case of the Portuguese brig *Commerciante*, taken on Sept. 7, 1822, in the river Cameroons, by the boats of His Majesty's ship *Driver*, dispatched by Captain Wolrige, of that ship, under the command of Lieutenant King. The *Commerciante* was condemned by the British and Portuguese Mixed Court, on December 7, 1822.

You are respectfully requested to observe, that, as the boats of the *Driver* approached the Place where the *Commerciante* was at anchor, a landing of Slaves from that vessel was perceived, which Slaves were delivered up and re-embarked, on demand made to the local Chiefs.

We would beg leave to request your particular attention to the permission given, in the royal passport found on board of the *Commerciante*, to call at the Cameroons, St. Thomas, and Princes Island, for objects of lawful commerce, such as gold, palm-oil, and ivory. This pretended lawful commerce to the Northward of the Line is altogether incompatible, in reality, with a Slave-trading voyage to the Stations, in which that trade is permitted to Portuguese Subjects South of the Line. The only object that such an association can have, is to afford facility to illegal Slave Trade in the Stations to the North of the Line.

The practice recently common among the Portuguese mariners on this

coast, of agreeing to give the name of Molembo, or Cabinda, (Stations of legal Portuguese Slave Trade) to Places to the Northward of the Line, where their Slaves have been embarked, was remarkably exemplified in this case of the *Commerciante*.

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

E. GREGORY.
 EDWARD FITZGERALD.

(Inclosure in No. 30.)

Case of the Portuguese Brig Commerciante, condemned in the British and Portuguese Court of Mixed Commission, on Saturday, December 7, 1822.

THE brig *Commerciante*, Domingo Ribeiro Folha, Master, was taken on the 7th of September 1822, in the river Cameroons, by the boats of His Majesty's ship *Driver*, detached by Captain Wolrige of that ship, under the command of Lieutenant King.

The declaration of Captain Wolrige states the particulars of the capture in the following terms :
 " I despatched two boats belonging to the said sloop up the river Cameroons, for the purpose of capturing all vessels illegally trafficking in Slaves ; and at 7 a. m., Saturday the 7th of September 1822, Lieutenant King in command of the said boats, and acting by my orders, did capture the Portuguese brig *Commerciante*, Domingo Ribeiro Folha, Master, he having distinctly observed when pulling up to her that she was landing Slaves, and which was admitted by the crew at his taking possession, and further the said Slaves were instantly and voluntarily re-embarked by the Native Chief, from whom they had been purchased."

The latitude and longitude of the place of capture is not mentioned either in the declaration, or in any other of the documents filed on the part of the Captor.

The river Cameroons, according to general estimation, is in lat. 3. 40 North.

It was found by the inspection of the documents belonging to the vessel, that the *Commerciante* had regular papers for a legal Slave-trading voyage from Bahia to Molembo, with liberty to call at the Cameroons and at St. Thomas's and Princes Islands for purposes of lawful commerce. This liberty has been in this instance, as in all others that have come under the notice of the British and Portuguese Court, made the means of giving facility to illegal Slave Trade in a Station more favourable for that Traffick, to the Northward of the Line.

There is a Royal Passport from the provisional junta of Government at Bahia, authorizing the voyage in this course, and limiting the number of Negroes to be imported on board of the vessel to six hundred and twelve, being in proportion of five to every two tons, as fixed by law, her burthen being two hundred and sixty-five tons.

Francisco Ignacio Cerqueiro Nobre, of Bahia, was the Owner of this vessel.

The *Commerciante* sailed from Bahia on the 10th of June 1822. On the 16th of July, according to the log-book, she was in sight of Cape Palmas ; and on the 24th of that month, she entered the river Cameroons. Here the journal apparently ends. The memorandum of the entry into the river is written at the top of the last page, which is already full ; but short entries are made in another part for the subsequent days, down to the 6th of September inclusive, which was the day preceding the Capture. These entries are found in the margin of the first pages of the book beginning with the 25th day of July, which is called the first day on shore. A note is prefixed, stating that the vessel had been forty-seven days at sea, to the day of entering the river inclusive. Thus the sixth day of September is the forty-third day on shore, and opposite to the note of that day, on the margin at the other side of the page, is a note of the same form, stating that four Slaves had died on shore down to the end of August. These notes are made in such a form, that, without minute examination, they might pass for the common-place remarks in the ship's reckoning.

There is another series of notes, on a small scrap of paper, prefixed to a collection of papers delivered into the Registry, which series seems to have been intended to correspond with the list of deaths of Negroes at the end of the marginal notes already mentioned. This series runs thus :

13th day of August	- - - - -	one Negro died
20th	- - - - -	one Negro died
28th	- - - - -	one Negro died
2d of September	- - - - -	one Negro died.

These notes, collectively and separately, connect this vessel and her transactions down from the time when she appeared on the coast to her entrance into the river Cameroons, and from that to the time when she was taken in the Slave Trade to the northward of the Line. She could not possibly have gone first to Molembo and thence come to the Cameroons. The entries of latitude in the log-book from the 29th of June, when she crossed to the northward of the Line, are invariably on that side down to the day of her entrance into the Cameroons, and from that day down to the capture the notes already mentioned shew that she remained stationary there. Consequently the

Mate (Martins), as well as the seaman Cabreira, must have spoken falsely in declaring, in the examinations on the standing interrogatories, that the vessel had been at Molembo, and had come thence to the Cameroons. This allegation could only be explained by supposing that these men applied the name of Molembo indefinitely to the Slave-trading Stations to the northward of the Line; but as there is not in the log-book any mention of having entered into or having seen any of those Stations, from the time of making the coast near Cape Palmas to the time of going into the Cameroons, they cannot have even the benefit of this excuse.

Martins makes a general acknowledgment of Slave-trading transactions in the Cameroons, in answer to the interrogatories upon that head. Cabreira, in the first instance, denies that any Slaves had been on board for the traffick during the voyage, as stated in the testimony of Martins, to whose statement Cabreira indirectly accedes, in his answers to the fourth special interrogatory, put to him on the part of the Captors, saying, that "many black people went on shore from the "Commerciante on the appearance of the man of war's boats. He does not know whether "they are Slaves or not." After this admission, there cannot be any doubt that Slaves had been on board for the purposes of the traffick, and that they were landed on the approach of the boats of the Driver, as stated in the declaration of the Captor. A further confirmation is found in the answer of the same Cabreira to the fifth special interrogatory, in which he says, "he does "not know whether the Slaves which were on board of the brig, on her arrival at this Port, were "on board before her capture or not."

These answers, at the same time that they amount to a full admission of the fact of the embarkation of Slaves for the traffick before the capture, which fact this witness had before absolutely denied, shew a strong disposition and determination to conceal the truth by means of perjury and prevarication.

The Commissioners agreed, that some means ought to be adopted, to counteract the growing practice of applying the false name of Molembo to the Slave-trading stations, to the Northward of the Line; and if the Court should not, in the present instance, animadvert upon the transgressions of Martins, as well as of Cabreira in this respect, it appeared that, at least, Cabreira ought to be committed to the custody of the Marshal, for his gross prevarication respecting the fact of the embarkation of Slaves for the traffick.

The Commerciante was condemned by the unanimous decision of the Commissioners, as prize to the Crowns of Great Britain and Portugal. The Slaves belonging to her were emancipated; they were one hundred and sixty-seven; thirteen of those delivered up as belonging to her, having died on the passage from the Cameroons to Sierra Leone.

An order was made for the commitment of Diego Cabreira, for prevarication in his answers upon the examination before the Registrar.

The medical Officer, attached to the Commissions (Mr. Shower) having recommended in his report upon visiting the Commerciante, the landing of the whole of the Slaves as early as possible, on the ground that, although they were in a pretty good state of health, many of them were much emaciated and weakened, an order for the landing of the whole was dispatched forthwith, on November 15, the day of the arrival.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

 No. 31.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 10.)

(Extract,)

Sierra Leone, January 1, 1823.

WE have the honour to lay before you an abstract of the case of the Portuguese brigantine *San Antonio de Lisboa*, detained by His Majesty's ship *Bann*, Captain Phillips, for being engaged in the illicit Traffick in Slaves, and condemned in the British and Portuguese Court of Mixed Commission, on the 23d ultimo.

You will observe, Sir, that the gross prevarications committed by the Master and Surgeon of the *Lisboa*, in asserting in the first instance, and maintaining almost to the last moment, that the Slaves were embarked at Molembo, drew forth the animadversion of the Court, by whose order the offending individuals were committed to the custody of the Marshal.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

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

(Inclosure in No. 31.)

Abstract of the Case of the Portuguese Brigantine, Santo Antonio de Lisboa, José Machado, Master, condemned on Monday the 23d of December 1822.

THE Santo Antonio de Lisboa, owned by Francisco Xavier Leao, of Bahia, was fitted out at that Place professedly for a Slave-trading voyage to Molembo. She had regular clearance papers with a Royal passport, numbered thirteen, and dated the 2d of May 1822, authorizing her to proceed to Molembo, via St. Thomas and Princes Islands. She was allowed to take in two hundred and ninety-five Slaves, which number was proportioned to her burthen of one hundred and eighteen and a quarter tons, as stated in the passport.

The Santo Antonio de Lisboa, sailed from Bahia, on the 13th of May 1822; on the 15th of July, she was found off Porto Novo, in lat. 6 deg. 20 min. North, long. 3 deg. 35 min. East, by His Majesty's ship Driver. On the passport of the Brigantine there appeared the following notes of visitations made on board of the vessel from several of His Majesty's cruisers at different times.

Boarded 15th July 1822, off Porto Novo, by His Majesty's ship Driver, signed John King, Lieutenant.

Boarded, 8th of August 1822, by His Majesty's brig Snapper, off Porto Novo, signed T. H. Rothrey, Lieutenant and Commander.

Boarded, 30th of August 1822, by His Majesty's ship Bann, off Porto Novo, signed John Hudson, Lieutenant.

The brigantine was brought to Sierra Leone, on the 15th of November, the declaration to be made by Captors on the detention of Portuguese Slave-vessels, was not forwarded by the Captor in this case. But by the affidavit that was made by Lieutenant Cotgrave, of the Bann, on bringing the papers of the Santo Antonio de Lisboa, into the Registry Office, it appeared that the brigantine was detained, on the 5th of October 1822, in lat. 6 deg. 20 min. North, long. 2 deg. 43 min. East, by His Majesty's ship Bann, Captain Phillips, for being engaged in an illicit traffick in Slaves; and by a certificate of Captain Phillips, dated the 6th of October 1822, that was filed in the Registry on the day of adjudication, it appeared that there were three hundred and thirty-six Slaves on board at the date of capture.

The witnesses who were examined in the case, were the Master, Machado, and the Surgeon, Philippe Sierra.

The Master declared, in answer to the standing interrogatories, that the voyage commenced at Bahia; that the last clearing Port the vessel sailed from was Molembo; that she anchored at Molembo, at Elmina, and at Porto Novo; that she went to Molembo for Slaves, to Elmina and to Porto Novo to sell tobacco; that all the Slaves were taken on board at Molembo.

Sierra, the other witness, declared, in his answers to the standing interrogatories, that all the Slaves were taken on board at Molembo, but he professed ignorance of the vessel's having touched at any other Place than at Molembo, he having been, as he stated, left on shore at that Place.

In answer to Special Interrogatories put to these men on the part of the Captors, the Master, after some attempts at evasion, said that the whole cargo of Slaves in question was purchased in the Bight of Benin, viz. at Porto Novo, and there embarked, that his Slaves had been but one day on board, when his vessel was seized. The Surgeon in answer to the same interrogatories, professed ignorance of all matters, touching the place of the embarkation of the Slaves, though he could not, as he answered, take on himself to swear on the Bible or Holy Cross, that the Slaves were not embarked in the Bight of Benin or Biafra, as he was up the country sick, and when he came down, he found the vessel ready for sea.

The affidavits of two of the Slaves found on board of the brigantine were also taken on the part of the Captors. These Slaves deposed "that they were Natives of Dahomy, and were purchased as Slaves in that Country by José Machado, the Master of the schooner San Antonio de Lisboa, who is produced and recognized by them, who kept them confined in irons, being chained by the legs to each other, and with an iron chain round their necks; that they, with the rest of the Slaves, were carried from the shores of Dahomy to the schooner in canoes, and embarked all in one day; that on the eighth day afterwards they were taken by the man of war." The Slaves could not have been on board so long before the detention took place, according to the confession of the Master, and according to what appeared written in a journal found on board of the vessel by the Captors.

This journal states the arrival of the brigantine at Porto Novo on the 27th of June 1822, and states the occurrences of each day, to the 5th of October following, whilst the vessel lay off Porto Novo. It states the outward cargo to have been landed at Porto Novo; and in regard to what was to have been the homeward cargo, it contains an entry made on the 5th of October, as follows:

"Saturday 5th of October, 1822.

"Day of the } "At day break, the sky and the horizon clouded; wind fresh from the W. voyage, [45.]" } "S. W.; launches and canoes went from all the vessels, to bring our bales, which were 330, we experienced the greatest pleasure that can be conceived; we made sail at four o'clock in the afternoon from Molembo for Bahia: nothing further."

The 330 bales here mentioned, were the 330 Slaves, which, with six Slaves in addition, were

found on board of the vessel at the time of her detention by the Bann, a few hours after the departure from Porto Novo, the Molenbo of the Slave-dealers.

The Commissioners taking into consideration the inherent improbability and inconsistency of the original statements of the Master and Surgeon of the San Antonio, alledging that the Slaves were embarked at Molemo, and that the vessel went from that Place to Elmina, and from Elmina to Porto Novo, with those Slaves on board, in order to sell tobacco; considering also the facts and circumstances tending to impress a full persuasion that the whole of the business of the voyage was transacted at Porto Novo, down to the embarkation of the Slaves, described in terms of such strong exultation in the journal; considering further the declaration of the Slaves of Dahomy, purchased in that Country and brought directly thence for embarkation; considering, finally, the ultimate admission of the Master, when examined on special interrogatories, that the whole of the Slaves were purchased in the Bight of Benin, viz. at Porto Novo, and there embarked."

On all these considerations, the Commissioners were convinced that the Slaves were embarked at Porto Novo to the north of the Equator; that the Santo Antonio de Lisboa was engaged in the illegal Traffick in Slaves, and were of opinion, accordingly, that she should be condemned as prize to the Crowns of Great Britain and Portugal, and that her Slaves should be emancipated.

The Master and Surgeon were committed to the custody of the Marshal for prevarication in their evidence.

Part of the Slaves of the Santo Antonio de Lisboa, soon after the detention, were put on board of a Spanish Schooner, named the San Rafael, that had been previously detained by the Bann. The Slaves on board of this vessel, and those left on board of the brigantine, arrived at Sierra Leone in a sickly state, some of them being infected with the small pox: several Slaves had died on the passage to Sierra Leone.

At the recommendation of Mr. Shower, the Medical Officer attendant on the Slaves, part of them, and subsequently, on the petition of the Captors, the whole of the Slaves were given over to the humane care of the Colonial Authorities and Medical Officers of the Colony.

Two hundred and ninety-one Slaves were emancipated.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

No. 32.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning—(Received May 10.)

SIR,

Sierra Leone, January 2, 1823.

WE have the honour to inclose herewith, for your information, an abstract of the case of the Portuguese schooner *Juliana*, detained with one hundred and twelve Slaves on board, on the 31st of October last, in lat. 5 deg. 43 min. N. long. 3 deg. 17 min. E. by His Majesty's ship Bann, Captain Phillips. The Slaves had been embarked at Porto Novo, in lat. 6 deg. 20 min. N. the day preceding the capture of the vessel. The *Juliana* was condemned as prize, and her Slaves emancipated.

We have the honour to be, &c
(Signed)

E. GREGORY.

EDWARD FITZGERALD.

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

(Inclosure in No. 32.)

Abstract of the Case of the Portuguese Schooner Juliana, Joao Ezequiel Leal, Master, condemned on Monday the 30th of December 1822.

THIS vessel appeared to have cleared out at the Portuguese Island of Saint Thomas; the papers found on board of the schooner appeared to have been given by the Authorities there; they stated the vessel to belong to Bahia, and to be owned by Inocencio Marques. No papers, however, from the Authorities at Bahia appeared amongst those that were obtained at Saint Thomas's.

There was a simple passport from the Provisional Government of Saint Thomas, dated the 9th of October 1821, authorising the *Juliana* to proceed to the Coast of Elmina, to engage in the "licit traffick in cloths, gold, ivory and oil." There appeared a muster-roll, stating the crew to consist of twenty-eight persons, including the Master.

The Juliana was detained on the 31st of October 1822, by His Majesty's ship Bann, Captain Phillips, in lat. 5 deg. 43 min. N. long. 3 deg. 17 min. E. with one hundred and twelve Slaves on board. She was brought to Sierra Leone on the 19th of December.

The witnesses examined in the case were Phelipe Santiago, seaman, and Bernardo Merelles, barber, or surgeon. They deposed that the Juliana belonged to Bahia, and to Inocencio Marques, who resided there; that the voyage began at Bahia, and was to have ended at that Place; that they went to Porto Novo, which is in lat. 6 deg. 20 min. N. long. 3 deg. 35 min. E.; that the schooner took in her Slaves at that Place on the day preceding her capture.

The Commissioners on this evidence decreed the condemnation of the Juliana as prize to the Crowns of Great Britain and Portugal, for being engaged in the illicit Traffick in Slaves, and decreed her Slaves, ninety-four in number, to be emancipated.

At the recommendation of the Medical Officer attendant on the Slaves, Mr. Shower, and on the petition of the Proctor for the Captors, the Slaves were landed, as being in a weak and sickly state, the day after the arrival of the Juliana.

On the face of the Juliana's papers there appeared notes of visitations made on board from several of His Majesty's cruizers. These notes shew the extraordinary length of time that the schooner remained on the coast, as well as that they shew the fearlessness with which her people pursued the illicit Traffick in Slaves on shore at Porto Novo. These notes appear on the passport in the following order:

Boarded, 18th April, by His Majesty's ship Morgiana, signed Thomas Ross, Lieutenant.

Boarded, 6th May 1822, by His Majesty's ship Pheasant.

Boarded, 29th May 1822, by His Majesty's brig Thistle.

Boarded, 15th July 1822, by His Majesty's ship Driver, signed J. King, Lieutenant.

Boarded, 8th August 1822, off Porto Novo, by His Majesty's brig Snapper.

Boarded, 30th August 1822, off Porto Novo, by His Majesty's ship Bann, signed J. Hudson, Lieutenant.

Boarded, 25th October 1822, off Porto Novo, by His Majesty's ship Bann, signed J. Hudson, Lieutenant.

No Slaves being on board of the Juliana at the time of these visitations, and there not being any well grounded suspicion in the minds of the British visitors, of Slaves having been on board at any time, the vessel was not, of course, molested.

The length of time during which the Juliana remained off Porto Novo, for the collection of the Slaves that were to be embarked on board of her, was understood to have been occasioned by the bad quality of the goods of her outward cargo, which caused great difficulty in obtaining Slaves in exchange for them.

(Signed) E. GREGORY,
EDWARD FITZGERALD.

No. 33.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 16.)

SIR,

Sierra Leone, January 20, 1823.

WE have the honour to inclose herewith an abstract of the case of the Portuguese schooner *Conceição*. This vessel, was detained off the Portuguese Island of Saint Thomas, by His Majesty's ship Bann, Captain Phillips, on the 13th of November 1822, with two hundred and seven Slaves that had been taken on board in the river Cameroons, to the Northward of the Equator.

The detention of the *Conceição* was stated by the Captor to have taken place at eight or nine miles distance from the shores of Saint Thomas. The Portuguese seamen, who were examined as witnesses, differed upon this point; one, Joze Antonio, saying that the Place of detention was four or five leagues distant from the Island of Saint Thomas, another, Francisco Reis, saying that it was only one mile. Antonio, the Cook, who was also examined, says nothing of the distance. The Provisional Government of the Island, with whom Captain Phillips communicated immediately after the capture, made no objection to the locality of the capture, as coming within the limits of the protection given to vessels within gun-shot of Portuguese fortresses by the second Article of the Instructions for ships of war.

The Commissioners were, consequently, of opinion, that the detention of

the Conceição was legal. The vessel was therefore condemned, and her Slaves brought to this Colony were emancipated.

The communications that took place between Captain Phillips and the Provisional Government of St. Thomas, being particularly marked with the spirit of conciliation and harmony, which, according to the original letter of instructions from Viscount Castlereagh, His Majesty is desirous should be preserved between His subjects and those of His Most Faithful Majesty, under the stipulations of the Treaty and Convention, we have thought it due to the parties to forward herewith copies of those documents in connexion with the case.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

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

(First Inclosure in No. 33.)

Abstract of the Case of the Portuguese Schooner Conceição, Jose Lourenço da Silva, Master, condemned on Saturday, January 18, 1823.

THIS vessel belonged to Bahia, and was owned by Francisco Ignacio de Cerqueira Nobre of that Place. She had regular clearance-papers for a legal Slave-trading voyage to Molembo, via Saint Thomas's, Princes Island, and the river Cameroons. Her Royal Passport, numbered 26, and dated the 31st of July 1822, authorized her to carry four hundred and eighteen Slaves. It was stated in some of the papers that the Conceição was to proceed to St. Thomas's, to Princes, and to the Cameroons for "oil and ivory," and to Molembo "for Slaves."

The vessel sailed from Bahia on the 1st of August 1822. On the 13th of November following, she was detained, whilst on her return voyage, with two hundred and seven Slaves on board, by His Majesty's ship Bann, Captain Phillips. The declaration of Captain Phillips stated, that the detention took place off the Island of St. Thomas. The vessel arrived at Sierra Leone on the 24th of December.

The witnesses examined in the case were two of the Seamen and the Cook of the Conceição. They all three deposed, that the vessel had sailed from Bahia and had gone to the river Cameroons for Slaves; that the Slaves on board were all taken in at the Cameroons, and that the vessel was returning to Bahia when detained by the Bann.

With regard to the Place of the detention of the schooner, one of the witnesses said, that he first saw the capturing vessel to the Northward of St. Thomas; that the schooner was taken, four or five leagues from St. Thomas; that at the time the schooner was pursued she was steering for St. Thomas to repair her masts. The second witness said, that he first saw the capturing vessel off St. Thomas; that the vessel was captured off that Island; that her course was not altered, nor additional sail made, upon the appearance of the capturing vessel. The third witness stated, that he saw the capturing vessel off St. Thomas; that the schooner was captured at about one mile from the Island of St. Thomas; that the schooner was taken by the boats of the capturing vessel at the time she was steering her course for Bahia.

On the day appointed for adjudication, Captain Phillips tendered to the Court a copy of a letter addressed by him, under date of the 14th of November 1822, to the Governor of the Island of St. Thomas, stating that the boats of the ship under his command had detained the Portuguese sumaca Conceição, with two hundred and seven Slaves on board, embarked in the Cameroons; that the detention took place eight or nine miles from the shores of the territory of His Most Faithful Majesty; and stating that he, Captain Phillips, wished to land the crew of the Conceição on the Island, if the Governor had no objection. Captain Phillips also tendered to the Court an original letter, dated St. Thomas, the 14th of November 1822, addressed by the Members of the Provisional Government of the Island, in answer to the letter of Captain Phillips.

This letter, from the Portuguese Government of St. Thomas, acknowledged the receipt of Captain Phillips's letter, communicating the fact of the detention of the schooner at the distance of nine miles from the Portuguese territory; it stated that the Government remained aware of that fact, and that it had no objection to the landing of the Portuguese crew, whenever Captain Phillips might please to put them on shore.

These documents were tendered to the Court by Captain Phillips, with the view of shewing that he had made known the fact of the detention to the Government of St. Thomas; that detention having taken place within a short distance of the Island.

The Commissioners found it clearly proved that the Conceição had taken in her Slaves at the river Cameroons, to the northward of the Equator. Consequently, the Traffick in Slaves, in which she had been engaged, was illegal.

The Commissioners were further of opinion, that the detention of the Conceição was legal, inasmuch as it appeared that the vessel was detained whilst under sail endeavouring to reach St.

Thomas, and that it was not proved that there was, by her detention, a violation of the 2d Article of the Instructions for the Cruizers annexed to the Convention, which declares "that no merchantmen or Slave-ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadstead belonging to either of the two High Contracting Parties, or within cannon-shot of the batteries on shore."

The declaration of the Captor, that the detention took place nine miles from the Island, did not appear to be affected by the evidence of the Portuguese mariners, who stated the distance at which the detention took place to have been, according to one, at four or five leagues, and according to another, at one mile from the Island.

The Commissioners considered that the estimation of the distance by these mariners could not, judging by the variance between their testimony, have been very precise; that the letter received by Captain Phillips from the Provisional Government of St. Thomas, indicated that there had not been a violation of the 2d Article of the Instructions for the cruizers, as, had any been committed, it was to be presumed that the Portuguese Government of St. Thomas would have noticed and represented it in its answer to the letter of Captain Phillips.

The Commissioner of His Most Faithful Majesty concurred with the British Commissioners in a decree for the condemnation of the Conceição as prize to the Crowns of Great Britain and Portugal, and for the emancipation of the Slaves.

At the recommendation of Mr. Shower, the Medical Officer, and on the petition of the Proctor for the Captors, the Slaves were landed a few days after the arrival of the Conceição in the harbour. One hundred and seventy-eight were emancipated.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

(Second Inclosure in No. 33.)

Captain Phillips to the Governor of the Island of St. Thomas.

His Majesty's Ship Bann, at St. Thomas, November 14, 1822.

MAY IT PLEASE YOUR EXCELLENCY,

I BEG to inform you of the detention, by the boats of His Majesty's ship Bann, under my command, of the Conceição, Portuguese sumaca, with 207 Slaves on board, embarked in the Cameroons. Her detention took place eight or nine miles distant from the shores of the territory of His Most Faithful Majesty, and is consequently a just subject for detention, agreeably to the existing Treaties between our respective Sovereigns. The crew, as Portuguese subjects, I wish to land at St. Thomas's, if Your Excellency has no objection. The vessel will be dispatched, I hope, by this evening, but I am not quite certain, as her mast requires some repair.

The dispatch your Excellency received from me respecting the schooner laying in the Bay of St. Anna de Chaves, was forwarded by a canoe belonging to the town, supposing it would be the last opportunity I should have of communicating with the Place, which I trust will plead an ample apology for the informality of its delivery.

The bearer of this should have been an Officer of higher rank, but, from the number of prizes taken, we are consequently so short of them, and so busily employed, that none other could be spared, as it is my intention to proceed to sea with His Majesty's ship this evening, in the furtherance of her cruise, as well as to dispatch the Conceição for Sierra Leone.

I have the honour to be, &c.

*His Excellency The Governor
of the Island of St. Thomas.*

(Signed) CHAS. PHILLIPS,
Captain of His Majesty's Ship Bann.

(Third Inclosure in No. 33.)

The Governor of the Island of St. Thomas to Captain Phillips.

SIR,

(Translation.)

WE have received your despatch of this day, in which you inform us that you have captured, at nine miles distance from the Portuguese territory, the brigantine Conceição, Joze Lourenço da Silva, Master, with two hundred and twenty Slaves that were shipped at the Cameroons; and that you intend to send the vessel away this evening after landing the Portuguese crew.

We have the honour to acquaint you, that we remain informed of the contents of your despatch, and that you may direct the said Portuguese crew to be landed whenever you please. We remain grateful for the attention which you shew towards us: may heaven preserve you.

Palace of the Provisional Government of the Island of St. Thomas, the 14th of November 1822.

(Signed)

*Charles Phillips, Esq.
&c. &c. &c.*

JOAO BAPTISTA E SILVA DE LAGOS.
FAUSTINO DIAS DE ANDRADE.
ANDRES TEIXRA. DE SZA. E ARAYAO.

No. 34

*Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received
Moy 16.)*

(Extract.)

Sierra Leone, January 31, 1823.

WE have the honour to inclose herewith an abstract of the case of the Portuguese schooner *Magdalena*, detained by His Majesty's ship *Bann*, on the 29th of September last, in latitude 1 deg. 9 min. North, and longitude 7 deg. 54 min. East. Thirty-three Slaves were on board of the *Magdalena* at the time of her detention.

The vessel was left at Princes Island as unfit to perform the voyage to Sierra Leone. The Slaves were brought to Sierra Leone on board of the *Bann*. The case was not brought into the Mixed Court until the 14th of January, about which time the *Bann* arrived at Sierra Leone from her cruize to leeward. It was proved that the Slaves had been embarked at Cape Lopez, which is situated about 1 deg. to the southward of the Equator. This embarkation involved a question altogether novel in the Mixed Court. The question was, whether under the Treaty of Vienna of the 22d January 1815, and the Additional Convention of the 28th July 1817, the Slave Trade could be considered to be illegal for Portuguese Subjects, betwixt the Equator and the 5th deg. 12 min. of south latitude, so as to render vessels having on board Slaves, embarked within those limits, liable to condemnation by the Mixed Courts.

The *Magdalena* was decreed to be condemned as prize and her Slaves to be emancipated.

We beg leave to inclose the copy of a letter addressed by Captain Phillips to The Governor of Princes Island, with a copy of the Governor's reply thereto, relating to the *Magdalena*, which vessel Captain Phillips proposed to leave at Princes Island.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

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

(First Inclosure in No. 34.)

Abstract of the Case of the Portuguese Schooner, Magdalena, Manoel Francisco do Carmo. Master, condemned on the 23d January 1823.

THIS vessel belonged to the Portuguese Island of St. Thomas; she was owned by Manoel Simao: her clearance papers stated that she was despatched for the lawful Traffick in Slaves, but she had not any Royal passport to authorize her to engage in that traffick; she had merely a simple pass, dated the 14th August 1822, from the Provisional Government of St. Thomas, stating the object of her voyage to be, to engage in the lawful Slave Trade at Cabinda. The crew of the vessel consisted of eight men, including the Master: she sailed from St. Thomas on the 16th of August.

On the 29th of September 1822, the *Magdalena* was detained by His Majesty's ship *Bann*, Captain Phillips. The declaration made by Captain Phillips in the case, states the particulars of the detention in the following terms:—

“ I, Charles Phillips, Esq., Commander of His Britannick Majesty's ship *Bann*, hereby declare
“ that, on the 29th day of September 1822, being in or about lat. 1 deg. 9 min. North, and long.
“ 7 deg. 54 min. East, I detained the *Magdalena da Praça*, sailing under Portuguese colours,
“ armed with two guns, four-pounders, commanded by Manoel Francisco do Carmo, who declared
“ her to be bound from Cape Lopez to the Island of St. Thomas, with a crew consisting of six

“men, and having on board thirty-three Slaves, said to have been taken on board at Cape Lopez, and are enumerated as follows, viz. :

	Healthy	Sickly
“ Men - - - - -	none	—
“ Women - - - - -	1	—
“ Boys - - - - -	22	—
“ Girls - - - - -	9	1

“And I do further declare, that the said vessel did not appear to be sea-worthy, and was not supplied with a sufficient stock for the support of the said Negroes and crew on their destined voyage to Sierra Leone, in consideration of which I have left her in charge of the Governor of the Portuguese Island of Princes, after having taken out her cargo, of which a list is hereby inclosed, until the decision of the Mixed Court of Commission shall be known.”

The case was not brought before the Court of Mixed Commission until the month of January, when the Bann arrived at Sierra Leone, from her cruize to leeward. The papers of the vessel were filed in the Registry on the 14th of that month.

None of the crew were brought to Sierra Leone: they were left at Princes Island. A petition of Captain Phillips, praying that some of the most intelligent of the Slaves might be examined in order to prove that the Slaves on board were embarked at Cape Lopez, stated “that having found the Magdalena unsea-worthy (as set forth in his declaration) he, Captain Phillips, was obliged to leave her and her crew at Princes Island, in the charge of the Governor.”

One of the Slaves, named Gandé, was examined. This Slave said, “that the schooner he was put on board as a Slave lay at Caroungoo at the time he was so put on board her; that all the Slaves on board the said schooner, when captured, were embarked on board her at Caroungoo, aforesaid.” The person who interpreted betwixt the Slave and the Registrar stated, that the Place called Caroungoo in the language, and by the aforesaid Gandé, meant, in English, Cape Lopez.” This Cape is situated in about one degree of south latitude.

Amongst the papers delivered by the Master of the Magdalena to Captain Phillips, there was a letter signed Joze Gomez da Rocha, and addressed to a woman residing at St. Thomas’s. Gomez da Rocha informed the woman in this letter that he had sent to her by the schooner some cloths, beads, knives, and a barrel of aguardente, and, he said, “when the schooner shall return, I will send you two Slaves.” (*E quando vier a escuna lhe mandarei 2 cativos*).

This man, Gomez da Rocha was the Master of a Portuguese schooner, named the Sinceridade; this vessel was detained by the Bann, and sent to Sierra Leone for adjudication; she had taken Slaves on board at Cape Lopez. Gomez da Rocha was brought in the Bann to Sierra Leone, and the letter before mentioned having been shewn to him, he stated on oath, “that being at Fetis Ronte, on the Western Coast of Africa, at about twenty-one miles to the northward of Cape Lopez Gonsalvez, in the Portuguese sumacha Sinceridade, of which deponent was then Master, on or about the 16th of the month of September last past, he saw the Portuguese schooner Magdalena aforesaid, embark and receive on board thirty-three Slaves, natives of Africa, two of whom belonged to this deponent; that the said schooner Magdalena was then bound to and sailed for the Island of St. Thomas, having the said cargo of Slaves on board; and further, that the letter hereunto annexed,” (the letter that has been already mentioned), “the same being written by this deponent, was by him sent in the Magdalena da Praça, directed to the Island of Saint Thomas.”

Affidavits of the senior Lieutenant, and of the Master of the Bann, were filed in the Registry: they were to the effect, that it did not appear to them that the Magdalena was of a sufficient size to undertake a voyage to Sierra Leone, from the place of capture, she being about thirteen tons burthen, and extremely leaky.

Before the case came on for adjudication, the Commissioners wished that some more of the Slaves should be examined touching the Place of their embarkation; but it was represented to the Commissioners by the Registrar, that he had endeavoured to examine others of the Slaves, but they were not sufficiently intelligible, apparently by reason of their not completely understanding the interpreter.

The case came on for adjudication on the 23d of January. The Captors moved the condemnation of the vessel and, the emancipation of her Slaves, first, on the ground that the Slaves had been taken in an illegal traffick, inasmuch as Portuguese subjects are not allowed to Trade in Slaves at Cape Lopez, but only within the limits laid down in the 2d Article of the Convention, those limits being on the Eastern Coast of Africa, from Cape Delgado to the bay of Lourenço Marques, and on the Western Coast, from the 5th deg. 12th min. South lat. to the 18th deg. South lat. The Captors moved for the condemnation of the vessel, and the emancipation of the Slaves; secondly, on the ground that the Magdalena was not provided with a Royal Passport to trade in Slaves conformable to the model annexed to the Convention.

The Commissioners noticed the total absence of the crew as a source of inconvenience, as the case was made to depend mainly upon the evidence of one Slave. They observed, that Captors would do best to send part at least of the crews of the vessels to be adjudged, in order to their being examined as witnesses. And the Commissioners trusted that their satisfaction in this matter would not be considered as of the least importance by Captors.

Captain Phillips observed that he would in future cases send the crews of detained vessels to Sierra Leone for examination.

The Commissioners in succession gave their decision upon the case.

Mr. Gregory conceived it unnecessary, as no particular reason pressed him to comment upon the want of the Royal Passport in this case.

Mr. Gregory adverted to the absence of the crew, and observed that, under the circumstances of the case, the evidence of the Slave *Gandé* was considered by him admissible, and that it could be relied upon; that evidence having been given, as stated by the Registrar, with clearness and promptitude. Mr. Gregory considered that the Slaves had been embarked at Cape Lopez.

Adverting to the Place of the embarkation of the Slaves, Mr. Gregory conceived that it was not legal for Portuguese subjects to engage in the Slave Trade at Cape Lopez; he conceived that the Slave Trade could only be legally carried on within the limits prescribed in the 2d Article of the Convention; he conceived that Article to be explanatory of the Treaty of the 22d of January 1822. Mr. Gregory, accordingly, considered that the traffick in which the *Magdalena* had been engaged was illegal, and that she should be condemned as prize, and that the Slaves belonging to her that had been brought to this Colony should be emancipated.

Mr. Altavilla, His Most Faithful Majesty's Commissary Judge, concurred with Mr. Gregory in his opinion for the condemnation of the vessel, and the emancipation of the Slaves.

Mr. Fitzgerald, while he agreed in the decision in this case, for the condemnation of the vessel, and the emancipation of the Slaves belonging to her, thought it right to point out a distinction which, as he conceived, left the Portuguese Slave Trade on that tract of the Coast of Africa between the Equator and 5 deg. 12 min. South latitude, not so directly and immediately under the strict prohibition of the first Article of the Treaty of Vienna, and the first Article of the Additional Convention, which prohibitions were applied expressly to Slave Trade carried on by Portuguese subjects to the northward of the Equator. That tract, however, was not included in the limits within which the Slave Trade was declared legally open to Portuguese subjects, and, consequently, when a vessel having Slaves on board embarked within that tract was detained legally to the northward of the Line, so that the burthen of the proof of the legality of the embarkation would fall on the Master of the vessel so detained, it would not be possible to establish that legality, and condemnation must follow in consequence. The present case was, as he conceived, precisely of that nature. Mr. Fitzgerald impressed particularly the advantages that Captors would find, even with a view to their own interests and characters, in bringing the Masters and crews of detained vessels to the place of adjudication.

The very persons who intreated most earnestly to be allowed to land at intermediate Places, would, probably, be most forward at any future opportunity in declaring, that they were sent away to prevent them from giving evidence to prove the detention illegal.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

(Second Inclosure in No. 34.)

Captain Phillips to The Governor of Princes Island.

His Majesty's Ship Bann, off Princes Island, Sept. 30, 1822.

MAY IT PLEASE YOUR EXCELLENCY,

HIS Most Faithful Majesty The King of Portugal, having agreed, in conjunction with His Britannick Majesty and other Potentates, to suppress, as much as in His power lies, the Traffick in Negroes to the Northward and Southward of the Equator, excepting in such Places as are mentioned in the Treaties relative thereunto, such as Molembo, Cabinda, &c. I have, therefore, to request you will be pleased, as a *Portuguese Officer*, to take charge of the *Portuguese* schooner *Magdalena*, which has been detained by His Britannick Majesty's ship *Bann*, for a breach of the aforesaid Treaties, in having on board thirty-eight Negroes not shipped in the Places above specified; and as the danger of the sea renders it unsafe to send the *Magdalena* to Sierra Leone, I shall carry the Negroes and the other part of her cargo, together with her papers, for adjudication to the Mixed Court of Commission residing at that Place, whilst the vessel remains in your custody either to be released or condemned, as the verdict of the Court may direct, and which I shall take care will be notified to you as early as possible.

I have the honour to be, &c.
(Signed)

CHARLES PHILLIPS,
Captain of His Majesty's Ship *Bann*.

To His Excellency The Governor of the Portuguese
Island of Princes.

*(Third Inclosure in No. 34.)**The Government of Princes Island to Captain Phillips.*

(Translation.)

SIR,

THIS Government has received your despatch of the 30th instant. As there is not in this Island any translator of the English language, the Officer, who was the bearer of the despatch, read it, and explained to us that you wished to leave at anchor in this port the schooner *Magdalena*, prize made by you, with thirty-three Slaves, which you intend to take, with whatever else was on board, to Sierra Leone, in order to their adjudication, leaving only the said schooner at anchor in this Port, until the decision of the Court at Sierra Leone be given.

We, as subjects of the Crown of Portugal, ought to render every assistance that may be asked for by you, or by any others of the Commanders of His Britannick Majesty's vessels provided with proper instructions, and having in view the lawful object of the fulfilment of the stipulations of the existing Treaty. We assure you that you will find the said vessel in the Place where you may direct her to be anchored, except in case of accidents occasioned by tornadoes.

This is all we have to acquaint you with : May Heaven preserve you many years.

Palace of the Provisional Government of the Capital and Island of Princes, 31st of September
1822.

(Signed)

JOZE XAVIER GOUZ DE SO, PRESIDENT.
JOZE MA. DE SOA CONTEL.
BERNARDO JOZE RAPZO.

Charles Phillips, Esq.
&c. &c. &c.

SIERRA LEONE.---(Netherlands.)

No. 35.

Messrs. Gregory and Fitzgerald to W. R. Hamilton, Esq.—(Received June 21.)

SIR,

Sierra Leone, March 15, 1822.

WE have had the honour to receive your despatch, marked Netherlands, of the 25th October 1821, acquainting us, by direction of the Secretary of State, that the instructions referred to in the Treaty with the Netherlands for the prevention of the Slave Trade, which had been issued to His Majesty's ship *Euryalus*, upon the West Indian station, had been transferred to His Majesty's ship *Tamar*, of sixteen guns, Captain Sir William Salstonstall Wiseman.

We beg leave to acquaint you, for the information of His Majesty's Secretary of State, that a minute of this transfer of the instructions under the Netherlands Treaty, has been made by the Board of the British and Netherlands Mixed Commission, under date of the 12th of February 1822.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

W. R. Hamilton, Esq.

&c. &c. &c.

No. 36.

Messrs. Gregory and Fitzgerald to Joseph Planta, jun. Esq.—(Received June 21.)

SIR,

Sierra Leone, March 15, 1822.

WE have had the honour to receive your despatch of the 20th November 1821, acquainting us, by direction of the Marquess of Londonderry, that the Netherlands corvette, *De Komet*, (La Comette) of one hundred and fifty men and twenty-eight guns, Captain Pieterzen, under orders for the Western Coast of Africa and for the East Indies, would be furnished with a copy of the Treaty of the 4th of May 1818, and of the Documents thereunto annexed, for the repression of the illicit Traffick in Slaves.

We beg leave to acquaint you, for the information of the Marquess of Londonderry, that a minute of this circumstance has been made by the Board of the British and Netherlands Mixed Commission, under the date of the 12th of February 1822.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

Joseph Planta, jun. Esq.

&c. &c. &c.

No. 37.

*Joseph Planta, Jun. Esq. to the British Commissioners at Sierra Leone.
(and those at Surinam.)*

GENTLEMEN,

Foreign Office, June 11, 1822.

IN reference to the third Article of the Treaty with the Netherlands for the prevention of the Slave Trade, I am to acquaint you that the instructions therein referred to have been issued to the following of His Majesty's ships, viz:

The *Bann*,.. twenty guns, C. Phillips,..... Commander.
.. *Cyrene*, twenty guns, Percy Grace,..... Commander.
.. *Driver*, eighteen guns, Thomas Woolridge, Commander.

And that the Dutch Instructions issued to the *Pheasant*, *Myrmidon*, and *Morgiana*, will be recalled and cancelled.

I am, &c.

(Signed)

JOSEPH PLANTA, JUN.

*His Majesty's Commissioners at Sierra Leone,
and Surinam.*

No. 38.

*Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received September 3.)*

MY LORD,

Sierra Leone, June 30, 1822.

WE have had the honour to inform your Lordship that Mr. Bonnouvrié, Commissioner for His Majesty The King of the Netherlands at this Place, had found it expedient to make a voyage to Elmina Castle for the benefit of his health, with the intention of proceeding to Europe shortly after his return to Sierra Leone.

We have now the honour to acquaint your Lordship that Mr. Bonnouvrié returned to this Colony from the Gold Coast about a month ago, and that he has intimated to us his resolution to return to Europe by the vessel which conveys this despatch to England. This resolution of Mr. Bonnouvrié is sanctioned, as that gentleman has informed us, by the Netherlands Government.

We have been further informed by Mr. Bonnouvrié, on the authority of an official notification received by him, that the Netherlands Government has appointed Mr. I. A. de Marrée to succeed Major Van Sertima in the situation of Judge in the Mixed Court, and that Mr. de Marrée may shortly be expected to arrive at Sierra Leone.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 39.

Joseph Planta, jun. Esq. to the British Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, August 31, 1822.

I AM directed by the Secretary of State to acquaint you, that, by a communication his Lordship has received from the Dutch Ambassador at this Court, under date of the 30th of July last, His Majesty the King of the Netherlands has appointed *Mr. I. A. de Marrée*, late Agent at Elmina, to be His Commissary Judge in the Mixed Court established at Sierra Leone, in the place of *M. Van Sertima*, in pursuance of the Treaty of the 4th of May 1818, between His Majesty and The King of the Netherlands, and that *M. de Marrée* is about to proceed to his destination.

I am, &c.

*His Majesty's Commissioners,
Sierra Leone.*

(Signed) JOSEPH PLANTA, JUN.

No 40.

Joseph Planta, jun. Esq. to the British Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, September 27, 1822.

I AM directed by Mr. Secretary Canning to acquaint you, for your information and that of your Colleagues in the Mixed Board of Commission in which you are acting, that it appears, by a communication dated the 20th of September instant, from his Excellency the Netherland Ambassador at this Court, that the Netherland frigate, the *Euridice*, of thirty-two guns and two hundred and fifty men, commanded by Captain *J. F. C. Wardenberg*, about to sail for the East Indies in the course of the present month, will be furnished with a copy of the Treaty between Great Britain and the Netherlands for preventing the Traffick in Slaves, and of the several Documents annexed thereto.

I am, &c.

*His Majesty's Commissioners,
Sierra Leone.*

(Signed) JOSEPH PLANTA, JUN.

No. 41.

*Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received
May 15, 1823.)*

SIR,

Sierra Leone, December 10, 1822.

WE have the honour to inform you that Major de Marrée, Judge for His Majesty The King of the Netherlands in the British and Netherlands Mixed Court of Justice, arrived here on Tuesday the 26th of November.

On the Thursday following he exhibited to the British Commissioners the Commission of his Sovereign, and the British Commissioners exhibited His Majesty's Commission. Major de Marrée then took the oath prescribed by the Treaty, which was administered by the Chief Justice, Mr. Fitzgerald, as principal Magistrate of the Colony, in the absence of Governor Sir Charles M'Carthy.

On the next day the Court sat for the dispatch of business: an order was passed declaring the Court to be open to all parties, when the Commissioners should be engaged in the exercise of their judicial functions. The Court then proceeded to consider the case of the Netherlands schooner *Aurora*, a statement of which case is communicated in a separate despatch.

We have the honour to be, &c.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

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

No. 42.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 15, 1823.)

(Extract.)

Sierra Leone, December 11, 1822.

THE case of the schooner *Aurora*, taken at the Gallinas, in latitude 7 deg. 2 min. North; longitude 11 deg. 37 min. West; will appear by the abstract which we have the honour to inclose, to have been founded on a small embarkation of Slaves at a Place called Sugaree, which Slaves were subsequently landed and placed in the factory where the Slaves intended for the general supply of the *Aurora* were kept.

After the detention, the Captor, Captain Grace, of His Majesty's ship *Cyrene*, sent a boat with an Officer to demand the Slaves collected in the factory for the *Aurora*, but the Master of that vessel, in conjunction with the Master of a French Slave-trading vessel, named the *Hypolite*, then at the Gallinas, and the greater part of the crews of both these vessels, opened a fire on the boat from a wood. The boat's crew returned the fire and immediately landed, upon which the assailants retired abandoning the Slave factory, from whence the Slaves had been removed to a place of greater security. The boat's crew pushed on, according to the information received respecting the removal, and on their approach to the place to which they were directed, a fresh fire was opened on them from a battery, upon which the Masters of the Slave-trading vessels had caused three twelve-pounders to be mounted, and by showers of musketry from the woods; the natives having been induced, by the persuasion of those Masters, and by the distribution of gunpowder and rum, to take part in these acts of hostility.

The party in the boat landed and took the battery and burnt the native town, but the Slaves sought for had been carried further off: a negotiation was, however, opened by Captain Grace with the Native Chief, in consequence of which a considerable number of the Slaves were given up and brought to Sierra Leone with the vessel.

On Friday the 29th of November, Major de Marrée, Judge of His Majesty The King of the Netherlands, having previously taken his seat in the Court, the *Aurora* was condemned by an unanimous judgment as lawful prize to the Crowns of Great Britain and the Netherlands, and all the Slaves brought to the Colony on board of her were emancipated.

(Signed)

E. GREGORY.

EDWARD FITZGERALD.

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

*(Inclosure in No. 42.)**Case of the Netherlands Schooner Aurora, Benjamin Liebray, Master.*

THIS schooner was taken on the 23rd of October 1822, at the Gallinas in lat. 7 deg. 2 min. N, long 11 deg. 37 min. W.; under Netherlands colours, by His Majesty's ship *Cyrene*, Captain Grace, on the ground of being engaged in illegal Slave Trade.

The papers connected with the outfit of the vessel are in the Dutch language, and are dated at the Dutch West India Islands of St. Eustatius and St. Martin: among them is a sea pass for twelve months, dated St. Eustatius, the 17th of May; a muster roll dated at the same place the same day, containing the names of seventeen men; another muster roll, dated St. Martin, the 18th of May, containing the names of eight additional men and two boys, making the whole ship's company twenty-five men, and two boys, a number which could not be necessary or expedient, except for the Slave Trade. There is a clearance from St. Martin for Elmina with merchandize, dated the 3rd of June 1822.

Benjamin Liebray, of St. Eustatius, is named in these papers as Owner of the vessel. This Liebray is a subject of His Majesty, The King of the Netherlands. The log-book takes the departure for the voyage from the Danish Island of St. Thomas, the 6th of June 1822.

The two seamen examined on the standing interrogatories, say, that the cargo was shipped at that Island: but they also say that the whole of the crew, including themselves, entered there, which is not consistent with the muster rolls from Eustatius and St. Martin's of prior date, where their own names are found.

The log-book is in the French Language.

The particulars previously mentioned, respecting the time and place of capture, are stated in the affidavit of Mr. Winsor, Master's Mate of the *Cyrene*, and Prize Master of the *Aurora*. Captain Grace omitted to send the usual declarations of the circumstances of the Capture, and of the state in which the vessel was found by him. There was not any document to shew whether there were Slaves on board at the time of capture or not. There were circumstances current in report, which led to a presumption that there were not any Slaves on board when the capture was actually made, and that those brought to Sierra Leone on board of her, one hundred and seventy-nine in number, were obtained after the capture by means of a negotiation with Siaca, the Native Chief of the Gallinas.

The examination of Joseph Rowley, a seaman belonging to the *Aurora*, upon the standing interrogatories, afforded proof that the *Aurora* was engaged in the Slave Trade, and that actual purchases and shipments of Slaves had taken place at Sugaree, near Cape Mount, which Slaves were subsequently conveyed to the Gallinas, to be kept there until the full number should be completed. John Alexander, the cook, confirmed this statement by his answer to special interrogatories put on the part of the Captors, although he was evidently adverse to making any disclosure of facts of this nature.

Nothing yet having appeared in evidence to connect the general cargo of Slaves brought to Sierra Leone in the *Aurora* with the case, special interrogatories were put to Rowley and Alexander for the purpose of obtaining a disclosure of all the circumstances within their knowledge concerning the embarkation of these Slaves, and for the purpose of ascertaining whether the Slaves that they had seen previously on board at Sugaree were among them.

The account given by these men of the general embarkation having been made entirely by the boats of the *Cyrene*, was not sufficient to connect the Slaves with the case, so as to bring them under the operation of the Treaty. The Cook, Alexander, however, said he recognized two of those who had been on board at Sugaree among those brought to Sierra Leone.

It had already been suggested to the Agent for the Captor, that he should connect the Negroes with the ship by proof; and he proposed, for this purpose, to substitute the Captor's letter to him, and some letters of Siaca, the native chief, by permission of the Court, for the usual declaration, as the best means of putting the Court in possession of the evidence required. He was aware that the facts contained in these papers would still be insufficient.

It was suggested to the Agent, that the Prize Master might probably have a personal knowledge of the material facts of the demand made, of the grounds of the demand, and of the delivery of the Slaves in consequence. The Agent being aware that the Prize Master was employed in the boats, during the transactions by which the delivery of the Slaves were obtained, readily availed himself of this suggestion.

An affidavit of Mr. Henry Winsor, the Prize Master of the *Aurora*, and Master's Mate of the *Cyrene*, was in consequence filed.

This affidavit states, that Captain Grace, having taken the *Aurora* on the 23rd of October, on the ground that she was engaged in illegal Slave Trade, despatched the boats on the morning of the 25th to request the delivery of the Slaves belonging to her; that a fire of musketry was opened on the boats, which they returned; that the party landed on the Island from which the fire proceeded, and found there a large Slave factory. Two Frenchmen, who were in the factory, gave information that the Slaves belonging to the *Aurora* had been removed to the main land. The boats proceeded in search, taking the Frenchmen with them. On approaching the Place, they were assailed by a fire from a battery on which three twelve-pounders were mounted, and by showers of musketry from the bush. The party in the boats pushed in and took the battery,

spiked the guns, and set fire to the native town, the inhabitants of which had, with musketry, assisted the Europeans of the *Aurora*, and of a French schooner, called the *Hypolite*, by whom the guns of the battery were served. The boats returned to the *Cyrene*. On the 27th, Captain Grace despatched them again to request the surrender of the Slaves of the *Aurora* from Siaca, the native chief, who readily gave them up, to the number of one hundred and eighty, saying, that the Master of the *Aurora* had made trade for two hundred and twenty, but those that were delivered up were all that were in his possession. Siaca, at the same time, made many excuses for the attack on the boats, which he charged entirely on the Masters of the *Aurora* and *Hypolite*, saying, that they had taken advantage of his (Siaca's) absence to induce the natives, by giving them rum, and by supplying them with powder and shot, to take part in it, and when the boats had effected a landing, ran away, leaving the town and the inhabitants to their mercy.

This affidavit fully supplied the previous deficiency of proof, and shewed that the Slaves were demanded and delivered up, and brought hither in the schooner in due and legal course.

The British Commissioners, having learned that M. De Marrée, appointed Judge in the Mixed Commission for His Majesty The King of the Netherlands, had arrived at St. Mary's, Gambia, on his way to the Colony, thought it right to defer the decision of this case until he should arrive.

M. De Marrée arrived on Tuesday the 26th of November; he availed himself of the earliest opportunity to consider the ship's papers, and the documentary and oral evidence touching the case, and was convinced, in common with the British Commissioners, that the vessel was illegally engaged in the Slave Trade, and that the Slaves brought on board of her were legally obtained by the Captors, and were subject to the operation of the Treaty.

On Friday the 29th of November, the decision of the British and the Netherlands Mixed Court was pronounced. By the unanimous opinion of the Commissioners, the vessel was condemned as lawful prize to the Crowns of Great Britain and the Netherlands, and the Slaves belonging to her were emancipated; they were one hundred and seventy-nine in number, one having died on the passage to Sierra Leone, out of one hundred and eighty delivered up to Captain Grace by the Chief of the Gallinas.

(Signed)

E. GREGORY.
EDWARD FITZGERALD.

No. 43.

Mr. Secretary Canning to the British Commissioners at Sierra Leone (and those at Surinam.)

GENTLEMEN,

Foreign Office, April 19, 1823.

IN reference to the instructions conveyed to you by the late Marquess of Londonderry in his despatch of February 19, 1819, inclosing copies of the Treaty concluded at the Hague, May 4, 1818, for preventing the illegal Slave Trade; and in reference to subsequent correspondence, regarding a proposed extension of that Treaty, I now furnish you with ten copies of certain Articles explanatory of, and additional to, that Treaty, which were signed at Bruxelles on the 31st of December 1822, and the 25th of January 1823, between the Plenipotentiaries of His Majesty and The King of the Netherlands, duly authorized to that effect.

You will consider these Articles as binding upon you, for the guidance of your conduct, in giving effect to His Majesty's intentions in regard to the stipulations therein recorded.

I am, &c.
(Signed)

GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone, and at Surinam.

HAVANNAH.

No. 44.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received April 15.)

MY LORD,

Havannah, March 3, 1822.

THE case of the *Antoñica*, which we mentioned to your Lordship in our despatch of the 10th December of last year, as having been referred to the Spanish Tribunals, has not yet been decided.

Law proceedings have been carried on for some time, between the Owner of the Privateer which captured the Negroes, and the Captain of the *Antoñica*; but it does not appear that the latter has been prosecuted by the Government for being engaged in the illicit Traffick of Slaves.

We understand that the delay in the decision of this case is occasioned by the difficulty of determining to what Tribunal the cognizance of the cause properly belongs. In the mean time, the Negroes have been given up to the proprietors, who have given security to bring them forward whenever they shall be called upon.

No vessel has been permitted to enter this Port, publickly, with Negroes, since the date of our despatch of the 30th of October, of last year. Some vessels, however, of a suspicious description have been admitted—namely, the French schooner *Louisa*, Captain Precau, on the 26th January, in ballast, from Batabano, where, in all probability, she left her cargo of Negroes; and the *Maria Josefa*, Captain Juan Batista Zabala, also in ballast, on the 5th instant, stated to be from St. Thomas's. This last vessel cleared out from this Port, for Africa, generally, on the 16th August last.

These are certainly suspicious cases; but we have no means of discovering that the vessels were actually engaged in illicit Traffick of Negroes.

We have, likewise, reason to believe that many Negroes have been lately introduced into several uninhabited parts of the coast, but this is a description of illicit traffick respecting which it is next to impossible for us to obtain correct information; and which, indeed, considering the extent of the coast and the almost organized system of smuggling of every description carried on in this island, it will be very difficult to prevent.

The low prices of colonial produce, which diminish the demand for Negroes and the ability to pay for them, will be the best check to this illicit traffick, until the Spanish Government shall be induced to enact, and, above all, to enforce such vigorous laws as have been found necessary in our own Islands.

We have the honour to be, &c.

(Signed)

H. THEO. KILBEE.
 R. F. JAMESON.

The Marquess of Londonderry, K. G.
 &c. &c. &c.

No. 45.

Messrs. Kilbee and Jameson to W. R. Hamilton, Esq.—(Received April 15.)

SIR,

Havannah, March 3, 1822.

WE have the honour to acknowledge the receipt, on the 22d ultimo, of the letter which you addressed to us under date the 20th November, respecting the communications which we have hitherto made on the subject of the illicit Traffick in Slaves, which is still carried on by the subjects of His Catholick Majesty, and we are most happy to find that our conduct has merited the approbation of the Marquess of Londonderry.

The communications hitherto made to you by His Majesty's Commissary Judge, which have occasioned representations to the Spanish Government, have been confined to the cases of open violations of our Treaty, which the Authorities here thought themselves justified in permitting. Such transactions, however, are now no longer likely to recur, every pretext for them being done away, by the orders lately issued by the Government in Spain to carry punctually into effect the stipulations of that Treaty. The cases upon which hereafter we shall have to report will probably be those of illicit traffick, of which we must presume the Government here to be ignorant. Upon such cases it will be very difficult for us to obtain correct information, isolated as we are, and unconnected with both the agricultural and commercial classes. Every man considers it to be his interest to conceal from us all information upon this subject. Loose and vague reports we may collect; but we think it incumbent upon us to state, explicitly, that, from experience, we know it will be extremely difficult for us to obtain correct and precise information; we shall, however, in obedience to your instructions, do all in our power to obtain information upon the subject of illicit Traffick of Slaves, and transmit the same to His Majesty's Government; but we have thought it right to make the foregoing observations, in order that you may be aware of the difficulties of the situation in which we are placed, and that you should not be disappointed if our utmost exertions are not attended with the results so earnestly desired by our Government and ourselves.

We have the honour to be, &c.

(Signed)

H. THEO. KILBEE.
R. F. JAMESON.

W. R. Hamilton, Esq.
&c. &c. &c.

No. 46.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received June 25.)

(Extract)

Havannah, May 6, 1822.

SINCE the date of our despatch of the 3d March to your Lordship, the following cases have occurred, which appear to us to afford sufficient ground for believing that the vessels concerned have been, or are about to be, engaged in illicit Traffick in Slaves.

On the 19th February, the Spanish schooner *San Rafael*, Captain Don Francisco Chunchurreta, cleared out from hence for St. Thomas and other Portuguese Islands on the Coast of Africa, where, there can be little doubt, her object is to purchase Negroes.

On the 16th March, the Portuguese schooner *Puquete*, Captain Don Jose Maria Nieves, arrived here in ballast, said to be from the Danish Island of

St. Thomas. This vessel has been employed for several years in the Slave Trade, between this Port and the Coast of Africa.

On the 14th April, the French schooner *Irene*, Captain P. du Pavillon, arrived here in ballast from St. Thomas, on the Coast of Africa. The two last mentioned vessels had in all probability, previously to their arrival at this Port, landed their cargoes of Negroes on some part of the coast of this Island.

On the 16th April, sailed from hence for Africa, the Spanish schooners *Amable Socorro*, Captain Don Jose Inzua, an old Slave-trader, and the *Josefa*, Captain Don Jose Moyano. This is the same vessel mentioned in our despatch to your Lordship of the 3d of March, as having sailed for Africa in August 1821, and having returned in ballast on the 5th of February last.

We took an opportunity of putting into the hands of the Captain General a memorandum, detailing the particulars of the above mentioned cases. When His Excellency had perused it, he readily admitted that those of the *Paquete* and the *Irene* were of a suspicious description, but he assured us that he had no means of ascertaining that they had actually been engaged in illicit traffick of Slaves. With respect to those vessels which had cleared out for Africa, His Excellency said that he would repeat the orders which he had already given to the Custom House department upon that subject.

We were particularly careful to avoid giving to the observations we made upon this occasion the appearance of a remonstrance, which we do not consider ourselves to be authorized to make to the Authorities of His Catholick Majesty; and we expressly stated to the Captain-General, that we submitted to him the memorandum, not by any means for the purpose of pointing out to his Excellency the line of conduct which he ought to adopt, but merely because we thought it a mark of respect due to him, that he should be apprized of those apparent violations of our Treaty, which we felt it to be our duty to report to our Government.

On the 25th of March, the United States sloop of war, *Porpoise*, arrived here with the American schooner *Mary*, which she had detained for having seventeen Negroes on board, shipped at Truxillo. This schooner was part freighted by the Spanish Government, and had forty five soldiers on board. The Negroes were claimed here as being the property of Spanish subjects. The schooner has been sent to The United States for adjudication.

(Signed)

H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 47.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received June 25.)

MY LORD,

Havannah, May 6, 1822.

WE have the honour to inform your Lordship that Colonel Don Rafael Quesada has been appointed Commissioner of Arbitration of this Mixed Commission, on the part of His Catholick Majesty, in the room of Don Francisco Arango, who has been named a Counsellor of State. M. Quesada has not yet taken the oath prescribed by Treaty, nor have we seen the Commission under which he has been appointed to act.

The vacancy occasioned by the death of Don Alexandro Ramirez, late Spanish Commissary Judge, has not yet been filled up by the Government at Madrid.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 48.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received October 9.)

MY LORD,

Havannah, July 20, 1822.

It is with great regret that we have the honour to inform your Lordship that His Excellency Don Nicholas Mahy, Captain-General of this Island, died on the 19th inst. of the yellow fever, after an illness of five days. He was universally esteemed, and his loss will be severely felt. In both our publick and private character, we have uniformly received from him every mark of attention; and we think it but just to add, that if, during his administration, the object of our mission here, namely, the suppression of the illicit Traffick of Slaves, has not been attained, it is more to be attributed to the defective state of the Laws than to any want of zeal on his part; as we have reason to believe that his private opinions were sincerely favourable to the abolition, as well from motives of humanity, as from the persuasion that the permanent welfare of this Island depends upon that measure being carried into effect.

Brigadier-General Kindelan has succeeded, *ad interim*, to the chief command here.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 49.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received October 9.)

MY LORD,

Havannah, July 22, 1822.

ON the 10th instant, the United States ship *Hornet*, Captain Hensley, brought into this Port the French brig *Theodore*, J. L. Lecuyer, Master, having on board one hundred and sixty Negroes, shipped on the Coast of Africa, and consigned to Messrs. Martin, Stouder, and Co. of this Place. This brig was captured not far from Matanzas, on the 6th instant, by the Columbian privateer, General Paez, and re-captured by the *Hornet* on the 9th.

On the 11th instant, the French frigate, *l'Antigone*, Captain Ducrest Villeneuve, arrived here from Vera Cruz; and we are informed that Captain Hensley, of the *Hornet*, proposed to Captain Villeneuve to deliver up to his charge the brig *Theodore* and her cargo, but that the latter declined receiving them. On the 14th the *Hornet* sailed from hence with her prize, but the

latter, owing to some accident, was obliged to put back the same day; she, however, finally sailed for Charleston on the 16th, having one of the Lieutenants of the *Hornet* on board.

Since the date of our despatch of the 6th of May, two vessels have entered this Port under suspicious circumstances, namely, the French brig *La Rose*, M. Thomas, Master, on the 9th ult. in ballast, from the Danish Island of St. Thomas, and the French schooner *Adolphe*, P. Lamarque, Master, on the 18th instant, likewise in ballast from Guadaloupe. The number of the crews of these vessels (twenty-one, and fifteen), which are greater than their tonnage, upon ordinary occasions, would require; their arrival in ballast, one from St. Thomas, the common cloak for all illicit Slave Trade, and the other from Guadaloupe, with which this Place has no commercial connection whatever, and their being consigned to a French house here, which, report says, is largely concerned in illicit Traffick of Negroes, are circumstances which justify our suspicions that these vessels, previously to their arrival at this Port, had landed Negroes on the coast; but still we know from experience, that they are not sufficiently specifick to warrant the expectation of any beneficial result, arising from a representation on our part to the Government upon the subject.

We have lately learnt that the illicit Slave Traders, becoming bolder from the impunity with which they have hitherto carried on their dealings, have actually brought some Negroes for the purpose of selling them to the Barracones or Depots outside the town, where formerly, during the continuance of the traffick, the newly imported Slaves were exposed for sale. As soon as we were apprized of this circumstance, we determined to mention it to the Captain General, but were prevented by a domestick misfortune which happened in His Excellency's family. We, however, requested one of his Secretaries to state the circumstance to His Excellency, and to inform him that we should take an early opportunity of drawing his attention to it. His subsequent illness, which unfortunately terminated in his death, again prevented us from carrying our intention into effect; but no time shall be lost in bringing under the consideration of the new Governor-General, Kindelan, this particular case, and the general subject of the illicit Traffick of Slaves, well known to be carried on in this Island.

It must, however, be acknowledged, that in the present defective state of the Spanish Law, it is not surprising that such transactions should be carried on with impunity. Your Lordship is aware that the Decree of His Catholick Majesty, issued in consequence of our Slave Trade Treaty, is conceived in the most loose and vague terms; its execution is not committed to any particular Department, and is therefore neglected by all. And, above all, no reward is offered to the Informer, so that, in this contraband Traffick, which is the most easily carried on, and in the continuation of which almost every man in the Island is interested, no recompense is granted for its detection, although, in all other smuggling transactions, the Judge and the Informer both receive considerable shares of the confiscated property. It is probable, therefore, that so long as the Law in question remains unaltered, it will continue, as hitherto, to be a mere dead letter.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 50.

The Marquess of Londonderry to the British Commissioners at the Havannah.

(Extract.)

Foreign Office, July 27, 1822.

I HAVE received your despatch of the 6th of May, detailing your proceedings in respect to several suspicious cases which had occurred at the Havannah, and which appeared to you, to afford sufficient ground for belief, that the vessels concerned have been, or are about to be, engaged in illicit Traffick in Slaves.

Your communication with the Spanish Governor, appears to have been conducted with great prudence and judgment.

It appears to me, that it would be advantageous to the effectual suppression of the Traffick in Slaves, that you should continue to intimate to the Spanish Governor the substance of such communications as to facts, that you may think yourselves warranted to make to me, as an indirect mode of exciting the attention of the Spanish Government, and of enabling His Majesty's Government to assume, that the Spanish Government will not be unapprized of such facts, on which it may be found necessary to remonstrate against abuses, that may be so practised in contravention of the Treaty.

I have full reliance on your prudence and discretion in executing this more delicate part of your duty.

(Signed) LONDONDERRY.

*The British Commissioners at the Havannah,
&c. &c. &c.*

No. 51.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received October 9.)

(Extract.)

Havannah, August 2, 1822.

SINCE the date of our despatch of 22d July, we have had an opportunity of conversing with the new Captain-General, Kindelan, upon the subject of the illicit Traffick in Slaves still carried on throughout this Island.

We began the conversation by premising to General Kindelan, what we stated upon a former occasion to his predecessor, namely, that the observations we were about to offer were not, by any means, intended as a remonstrance, which we were not authorised by our Government to make to the Authorities of His Catholick Majesty, but merely because we thought it right that he should be apprized of the violations of our Treaty, which we felt it to be our duty to report to our Government.

We then mentioned the suspicious cases of the French vessels stated in our despatch of 22d July, the notoriety of Negroes being continually landed upon different parts of the coast, and the fact that there were then actually Slaves for sale at the Barracones, or depôts, outside the town.

General Kindelan, in reply, stated, that with respect to the French vessels, although they were very suspicious cases, he had no means of acquiring proofs of their having been engaged in the illicit Traffick of Slaves: he admitted the notoriety of Negroes being landed on the coasts, but stated the impossibility of the Government being able to guard against that species of illicit traffick, considering the great extent of the coast of the Island, and the few Ports at which there were Authorities residing:—he added that his juris-

diction as Civil Chief did not extend all over the Island, but was confined to the Province of the Havannah.

With respect to the circumstance of Negroes being actually on sale at the Barracones, he promised to put a stop to such a scandalous violation of Treaty, and he concluded by assuring us, generally, that, so long as he remained in possession of the chief Authority, he would do all in his power to put an end to illicit Traffick in Slaves.

It is scarcely necessary to point out to your Lordship how entirely unproductive of any advantage have been the representations which, upon various occasions, we have made to the Chief Authority of the Island. We have been always well received, and redress, as far as it was practicable, promised; but the illicit Slave Trade increases, and is daily carried on more systematically. The first alarm at the danger of the Negroes being declared free is gradually passing away, and the failure of the attempt of the Count Torreno to render more effectual the Law respecting the abolition, together with the little interest manifested by the Government upon the subject, has generally given rise to the opinion that the Spanish Nation and Government are very indifferent about it, or do not dare, in the present state of their American Possessions, to offend the only Colony which has remained tranquil and faithful, by enforcing the execution of a measure which is in the highest degree unpopular. We have no hesitation in giving it as our opinion, that, but for the large stock of Negroes imported during the three years previous to the abolition, and the present very low price of sugar, the Slave Trade would, at this moment, be as brisk and extensive as during any period whatever.

Such a state of things existing before our eyes, is most painful and mortifying to us, but your Lordship is aware that every thing, consistent with our powers and instructions, has been done on our part to put a stop to it.

On the 26th ultimo, the French brig *l'Amable Henriette*, (an old Slave-trader), C. Gozan, Master, entered this Port in ballast, from, as alledged, the Danish Island of St. Thomas; and on the 29th the Portuguese schooner *Paquete*, J. J. Nieves, Master, cleared out for St. Thomas, Cape de Verde Islands. This is the same schooner which we mentioned in our despatch to your Lordship of 6th of May, as having entered this Port under very suspicious circumstances.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 52.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received November 9.)

MY LORD,

Havannah, August 30, 1822.

WE are happy to have an opportunity of reporting to your Lordship a case in which the present local Government here has manifested a disposition to check illicit Traffick in Slaves.

On the 9th inst., the American brig *Eros*, J. Demeron, Master, entered this Port from Baltimore, having on board forty-two Negroes. She was said to be bound to New Orleans, and to have come in here in distress. It is, however, generally believed that the Negroes were intended to have been disposed of at this Place, if that could have been done with advantage to the proprietor.

As soon as the Captain-General was apprized of the circumstance of Negroes being on board of this vessel, he ordered her to put to sea with the least delay possible, and directed that a guard should be sent on board, in order to prevent the Negroes from being landed, and maintained at her expense during her stay in this Port. The vessel sailed again for New Orleans, with the forty two Negroes on board, on the 11th instant.

The Captain-General has likewise put a stop to the shameful practice which existed of selling Negroes at the Barracones, or Depôts, outside the town, as stated in our last Despatch, but we do not understand that any steps have been taken for the punishment of those who had thus violated the Laws of this Country and the Treaty.

On the 23d and 24th inst. cleared out from this Port, for San Thomas, on the Coast of Africa, the Spanish schooners *Rosalia*, Don Santiago Manzano, Master, and the *Nieves*, Don Juan Manso, Master.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 53.

Messrs. Kilbee and Jameson to the Marquess of Londonderry. —
(Received November 11.)

(Extract.)

Havannah, September 26, 1822.

ON the 13th inst. the French schooner *Marie*, H. Guyot, Master, entered this Port from the Coast of Africa, with one hundred and seventy-six Negroes. The Master stated that his destination was Martinique, but that having been chased by a Pirate, he had been obliged to alter his course and enter this Port.

This improbable story is, of course, utterly unworthy of credit, and was framed for the purpose of furnishing an excuse for a Slave-ship entering this Port, where the Master hoped to be able to dispose of his cargo. The vessel, however, was ordered to leave the harbour as soon as possible, and a guard of soldiers was put on board, to prevent the Negroes from being landed, until the departure of the vessel, which took place on the following day, when she sailed avowedly for Martinique.

Within these few days we have learnt, with great regret, that Negroes have been again exposed for sale at the Barracones outside the town; and there is too much reason to believe that they formed the cargo of the above-mentioned French schooner, having been probably landed on the coast shortly after their departure from this harbour, and marched by night to the Barracones.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 54.

Mr. Secretary Canning to R. F. Jameson, Esq.

SIR,

Foreign Office, November 12, 1822.

YOUR letter of the 3d of September 1822, (marked private) addressed to The Earl of Clanwilliam, has been laid before me, and I have to convey to you His Majesty's gracious permission for you to repair to England in the course of the ensuing Spring, upon leave of absence, for the recovery of your health; such leave of absence to continue for the period of your voyage to England

for six months residence in this Country, and for the period of your voyage back to the Havannah.

You will take care to give due notice of your leave and of your intention of availing yourself of it, both to the Board of which you are a Member, and also to the local Authorities.

I am, &c.
(Signed) GEORGE CANNING.

R. F. Jameson, Esq.

No. 55.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received February 11, 1823.)

(Extract.)

Havannah, November 14, 1822.

Since the date of our last despatch we have conversed with the Captain-General upon the subject of the Sale of Negroes at the Barracones; and he has again assured us that he would put an effectual stop to that violation of his orders, and of our Treaty. We have not heard that any Negroes have since that conversation been exposed to sale.

When the case of the *Antonica*, as reported in our despatch of December 10th of last year, came before this Mixed Commission, it was generally believed that the Slaves would be emancipated; and great alarm was excited from the danger to which it was supposed such a measure would expose this Island. General Mahy, then Captain-General, mentioned his intention of writing to the Spanish Government upon the subject, and we have since learnt that he had come to the resolution of suspending the execution of our Decree, had it been to the effect of declaring the Negroes free. We have now, however, the satisfaction of acquainting your Lordship, that the Authorities here are again directed to carry strictly into effect all the stipulations of the Slave Trade Treaty, and that the Spanish Government does not consider the fears excited upon this occasion to be just or well-founded.

The case of the Negroes belonging to the *Antonica* remains in the same state as reported to your Lordship in our Despatch of the 3d of March. Orders, we have heard, have been received from Madrid to send there all the documents respecting the case. But the parties concerned will either find means to evade the execution of these orders, till the matter be entirely forgotten;—or, should they be compelled to forward the documents, and a final decision be given pronouncing the emancipation of the Negroes, such a period will probably elapse before that event can happen, that they will be enabled, without difficulty, to procure documents proving the death of the greater part, if not of all the Negroes, and thus evade the ends of justice.

On the 7th instant, the Spanish schooner, *Amable Socorro*, Captain Don Jose Insua (whose departure from this Port was reported in our Despatch of 6th May) arrived here in ballast from the coast of Africa. The Captain stated, that he had been robbed of all his cargo, consisting of gold-dust and ivory, by an insurgent privateer, off Cayo Guinches; the common report, however, is, that he landed a number of Negroes on the coast very near this Port, if not actually within the harbour. Your Lordship will perceive how little any effectual exertions for the suppression of illicit Traffick in Slaves are to be expected from the Authorities here, when such an excuse is allowed to pass unexamined.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 56.

Mr. Secretary Canning to the British Commissioners at The Havannah.

GENTLEMEN,

Foreign Office, November 26, 1822.

I SEND to you for your information and guidance, the copy of a Despatch, addressed on the 22d February 1822, by the King's command, to His Majesty's Minister at Madrid, proposing that the provisions of the Slave Trade Treaty of the 23d of September 1817, for the case of the death of one or more of the Commissioners, shall extend to the case of vacancies occurring in the Commissions from illness; or absence on leave;—2dly, the copy of a Despatch, dated the 17th of June 1822, from His Majesty's Minister at Madrid, expressive of the willingness of that Court to adopt the proposed extension of the provisions of the Treaty;—3dly, the extract of a Despatch, dated the 27th of June 1822, likewise from His Majesty's Minister at Madrid, stating that the Spanish Minister had promised that orders to the effect above mentioned should be sent out, without delay, to the Commissioners of His Catholick Majesty. And, 4thly, I furnish you with the copy of an Instruction which I addressed, on the 25th of September 1822, by The King's command, to His Majesty's Envoy at Madrid, inclosing a project of an Additional Article for sanctioning, in a formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in taking His Majesty's pleasure for forwarding the same to you for your guidance.

In the mean time you will endeavour to come to an agreement with your fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners at the Havannah.

No. 57.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received March 11, 1823.)

SIR,

Havannah, December 26, 1822.

WE have the honour to acknowledge the receipt of your circular Despatch of the 16th September, notifying to us that The King has been graciously pleased to appoint you His Majesty's Principal Secretary of State for Foreign Affairs, and directing us to address to you our Despatches and letters upon publick business.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

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

No. 58.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received March 1.)

SIR,

Havannah, January 23, 1823.

SINCE the date of our Despatch of the 14th November of last year, addressed to the Marquess of Londonderry, two vessels have entered this Port under suspicious circumstances, namely, the Portuguese schooner *Paquete*, Don José Maria Nieves, Captain, on the 29th ult., and the French brig *Coureur*, M. G. Verrier, Captain, on the 19th instant, both avowedly from the Danish Island of Saint Thomas; the former is an old Slave-trader with this Port, and sailed on the 29th July last for the Cape de Verd Islands, as reported in our Despatch of the 2d of August of last year.

These vessels both arrived in ballast, but there is little doubt that they had previously landed Negroes on the Coast. We have not yet mentioned the subject to the Captain-General, who has been indisposed lately, but we shall take an early opportunity of doing so, although we cannot expect that much advantage will be derived from such a measure, since His Excellency, in a conversation reported to the Marquess of Londonderry in our above-mentioned Despatch, declared, that he had no means of acquiring proofs of the illegality of the voyages of vessels which had entered this Port under precisely similar circumstances of suspicion as those mentioned in this Despatch.

The illicit Traffick of Slaves with this Island has certainly diminished within the last few months; but we have no hesitation in giving it as our opinion, that this diminution is to be attributed solely to the general distress, as well agricultural as commercial, which has existed here for some time, and by no means to any increased exertions on the part of the Authorities for the suppression of the traffick.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

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

No. 59.

R. F. Jameson, Esq. to Mr. Secretary Canning.—(Received April 7.)

SIR,

Havannah, February 16, 1823.

I HAVE the honour to acknowledge the receipt of your letter of the 12th of November last, in which you communicate His Majesty's gracious permission for me to repair to England, in the course of the ensuing Spring, on leave of absence.

Permit me, Sir, to thank you for the early and obliging attention you have given my request. I purpose availing myself of the permission about the beginning of May, and shall take care, pursuant to your directions, to give due notice of my intention, both to the Board of which I am a Member, and to the Local Authorities.

I have the honour to be, &c.

(Signed)

R. F. JAMESON.

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

No. 60.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received April 7.)

SIR,

Havannah, February 27, 1823.

WE have the honour to acknowledge the receipt of your Despatch of the 26th November of last year, in which you have been pleased to apprise us of the proposition made by His Majesty's Government to that of His Catholick Majesty, to the effect that the provisions of the Treaty of the 23d September 1817, for supplying vacancies in the case of the death of the Commissioners, should extend to the case of vacancies from illness or absence on leave.

We have communicated the substance of your Despatch to the Spanish Commissioners, who have not yet received any instructions from their Government upon the subject in question; they have, however, expressed their readiness to act in the spirit of the intended arrangement, whenever circumstances shall so require it.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

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

No. 61.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received April 7.)

SIR,

Havannah, February 27, 1823.

SINCE we last had the honour of addressing you upon the subject of illicit Slave Trade, two vessels have cleared out from this Port for the Island of St. Thomas, on the Coast of Africa, namely, the Spanish schooners *Descamisada*, Don Juan Sandrino, Master, stated in general terms to be laden with effects, and the *Amable Socorro*, Don José Inzua, Master, with colonial produce; both on the 1st instant. This last is an old Slave-trader, and we have frequently had occasion to mention her in our Despatches.

We have lately had a conversation with the Governor upon the subject of these and the other suspicious cases mentioned in our Despatch of the 23d of January, viz. the Portuguese schooner *Paquete*, and the French brig *Coureur*. With respect to the latter, His Excellency said that it was very possible they might have been engaged in the Slave Trade, but that the circumstance of their having arrived here in ballast from the Danish Island of St. Thomas, which was all that had been reported to him about them, was certainly not sufficient to justify him in proceeding against them. With respect to the other vessels mentioned in this Despatch, he said, that their professed object, at least, was not the Slave Trade, but generally to traffick in gold-dust, and other productions of the Coast of Africa, which was not prohibited by the Spanish Laws. His Excellency added, that whenever cases of illicit Slave Trade should be brought before him in a tangible shape, he should be most willing to do all in his power to bring the offenders to justice.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

R. F. JAMESON.

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

RIO DE JANEIRO.

No. 62.

Henry Hayne, Esq. to the Marquess of Londonderry.—(Received April 20.)

(Extract.)

Rio de Janeiro, January 16, 1822.

WHEN two months had elapsed, from the time of transmitting the sentence passed by the Mixed Commission on the schooner *Emilia* to the Judge of Contraband, it being notorious that she still remained unsold, I thought, my Lord, that ample time had been allowed, not only to execute the sale, but even to settle the accounts. I therefore availed myself of an opportunity, on the 27th of November, at the Court of the Commission, to state my sentiments to the Portuguese Commissary Judge on the subject, and to beg that he would urge his Government to give direction for her immediate sale: and for your Lordship's information, I beg to inclose the Protocol of the day, which was transmitted to this Government by the Portuguese Commissary Judge. In reply to which, Senhor Vieira, the Minister for Foreign Affairs, addressed a Portaria, or official note, to the Portuguese Commissary Judge, asserting, that in making such representations I had exceeded the limits of my functions in a manner unauthorized by the Convention and its regulations, and that my Portuguese Colleague had arrogated to himself a diplomattick character in condescending to reply to my unlawful requisitions, for which he is reprimanded and peremptorily ordered neither to reply to similar requisitions, nor to transmit them to his Government. I beg to inclose a copy of this Document.

A stop being thus put, my Lord, to the usual mode of proceeding of the Commission, and the value of the vessel daily diminishing, I addressed a note on the 13th of December to His Majesty's Acting Consul-General, stating the case and suggesting that the sale of the vessel, by the appointed Authority, should be formally urged, and that the Alvará should be applied to the offenders, or the reason assigned for its not having been done.

I trust it will appear evident that no exertion has been wanting on my part to bring this tedious case to a close, the unsettled state of the country, in addition to the causes above mentioned, will account for its delay.

I have the honour herewith to transmit for your Lordship's information, a list, with particulars of the Slave vessels, and number of Slaves that were imported into this harbour during the year 1821.

(Signed)

HENRY HAYNE

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(First Inclosure in No. 62.)

Protocol respecting the Sale of the Schooner Emilia.

(Translation.)

Session, November 27, 1821.

THE British Commissary Judge represented that he had an especial recommendation from his Government to urge the sales of condemned vessels without loss of time, and this through the

medium of the Portuguese Commissary Judge; and two months having elapsed since the Commission sent the sentence of condemnation of the schooner *Emilia* to the Superintendent of Contrabands, with the intention that this Magistrate should proceed with the sale according to the Alvará of 26th January 1818; and the said Magistrate not having yet sent the proceeds of the sale, which he has not yet made, as is publick and notorious, begged the Portuguese Commissary Judge would transmit to his Government this Protocol, and request that there should be no more delay in executing the said sale, because all vessels in such a state must daily deteriorate and lose their value. To which the Portuguese Commissary Judge answered, saying, "that sales made judiciously in the Portuguese dominions had their formalities marked by law; that it appeared to him that the schooner was not sold, because no one would advance upon her valuation, and in such a case the law requires a new one to be made, and which necessarily must take time; and to this casualty the delay ought to be attributed, and to no other reason: however, he would transmit the Protocol to his Government, as the British Commissary Judge requested." The said British Commissary Judge also represented, "that he had asked the Portuguese Government, only for the sake of humanity, to use all possible promptitude in the apprenticing of the free blacks; however, he knew that there were some of these unfortunate people in the Lazareto to be hired, even to this day." In such a case, guided by the same sentiments of humanity, he requested "that, in conformity to the Convention, and Alvará of 26th January 1818, the Portuguese Government would provide that those people should be freed from that species of prison in which they are, and give them that destination which the said Convention and Alvará require." The Portuguese Commissary Judge answered, "that the free blacks had been all hired out in proper time, but that those that had remained in the Lazareto were there, because those who had hired them had not fetched them away, though intimation had been sent to them by the competent Judge, according to law, and he knew that by request of the Curator they were providing the means to hire them out a-new, and that it would be effected in a few days; but he would make known to the Government the British Commissary Judge's humane intentions, according to his wishes." The session was finished.

(Signed) BRAZ MARTINS COSTA PASSOS.

(Second Inclosure in No. 62.)

Portaria of the Minister for Foreign Affairs to the Portuguese Commissary Judge.

(Translation.)

THE Note of José Silvestre Rebello, the Commissary Judge of the Mixed Commission, being presented to His Royal Highness The Prince Regent, dated the 28th November last, with a copy of the Protocol of the Session of the antecedent day, done in the Mixed Commission, including the answers which the said Commissary Judge readily gave to the two representations of the British Commissary Judge, in which he complained of the delay of the sale of the captured schooner, *Emilia*, and of the hire of some of the free blacks, who still remained at the Lazareto to be hired; His Royal Highness orders the Secretary of State for Foreign Affairs to declare to the said Commissary Judge, José Silvestre Rebello, that, the duties of the Mixed Commission being prescribed and regulated in the 8th Article of the Additional Convention of 1817, and in the Regulations for the Mixed Commissions No. 3, in making similar representations the British Judge exceeded the limits of his functions, and that in an official manner which the above mentioned Convention and Regulations do not authorize; not being able in the least to support his ground with the alleged motives of humanity for those free blacks, nor in the least with any especial recommendation that he may have from his Government; nothing of these gives him a right to call this Government to an account, with whose administrative routine he must conform: the conduct of the aforesaid Portuguese Commissary Judge being on this occasion less regular, as well for wishing to exceed his duty and arrogate to himself a diplomatick character with his Government, as his condescension to the unlawful requisitions of the British Judge, going so far as to state them to be moderate. Also His Royal Highness orders me to warn you, that as often as requisitions of that nature shall be directed to you, exceeding the letter of the Regulations, you will peremptorily and finally refuse to reply to the same, and to transmit them afterwards to the Government in an official manner, assuming a publick character which as yet has not been confided to you; recollecting likewise your unseasonable replies only tend to anticipate the intentions of the Government, which alone is competent to decide the infractions which might occur in the execution of the Treaties; and lastly, that the said Commissary Judge having so understood should conduct himself accordingly.

Palace, 3d December 1821.

(Signed) FRANCISCO JOZE VIEIRA.

(Third Inclosure in No. 62.)

List of Slaves Imported at Rio de Janeiro during the Year 1821.

Arrived.	From whence.	Vessel.	Days at Sea.	Slaves embarked.	Slaves landed.	
1821.						
January 2d	-- Cabinda --	-- Brig --	30	416	408	
21st	-- Angola --	-- Ditto --	28	557	549	
23d	-- Benguela --	-- Ditto --	29	425	396	
31st	-- Cabinda --	-- Schooner --	30	194	194	
February-16th	Mozambique	-- Ship --	84	992	632	
--	-- Cabinda --	-- Brig --	43	362	342	
18th	-- Ditto --	-- Ship --	37	522	511	
21st	Mozambique	-- Ditto --	71	346	241	
22d	-- Ditto --	-- Ditto --	76	511	273	
26th	-- Guillmane --	-- Brig --	82	476	311	
March 7th	-- Ditto --	-- Ditto --	60	451	385	
--	Madagascar	-- Ship --	89	21	21	
12th	-- Guillmane --	-- Brig --	111	433	291	
15th	-- Ditto --	-- Ship --	54	434	267	
--	-- Ditto --	-- Schooner --	57	337	260	
--	-- Ditto --	-- Brig --	67	500	342	
--	-- Angola --	-- Ditto --	50	384	367	
19th	-- Ditto --	-- Ship --	32	455	433	
21st	-- Guillmane --	-- Ditto --	74	481	285	
23d	-- Benguela --	-- Brig --	36	431	395	
31st	-- Cabinda --	-- Ditto --	39	312	287	
--	-- Angola --	-- Ditto --	42	450	430	
--	-- Guillmane --	-- Ditto --	69	377	284	
April 24th	-- Cabinda --	-- Ditto --	42	461	439	
May 3d	-- Angola --	-- Ditto --	47	528	378	
13th	-- Guillmane --	-- Ditto --	66	325	225	
19th	-- Angola --	-- Ditto --	49	375	365	
23d	Mozambique	-- Ditto --	99	202	113	
27th	-- Angola --	-- Ditto --	32	450	429	
June 23d	-- Ditto --	-- Ship --	36	741	680	
July 7th	Bahia and Onim	H M. S. Morgiana	25	197	197	
--	-- Ditto --	Emilia, Schooner	--	157	157	Prize condemned
August 7th	-- Angola --	-- Ship --	33	566	514	
11th	-- Ditto --	-- Brig --	53	254	227	
--	-- --	-- --	35	481	460	
18th	-- Benguela --	-- --	40	408	339	
26th	-- Angola --	-- Ship --	26	759	734	
29th	-- Ditto --	-- Schooner --	32	304	270	
September 21st	-- Ditto --	-- Ship --	25	743	683	
October 8th	-- Ditto --	-- Brig --	36	510	452	
12th	-- --	-- --	35	495	374	
21st	Pernambuco	-- --	18	50	50	
23d	-- Ditto --	-- --	20	60	60	
--	-- Benguela --	-- --	38	511	496	
28th	-- Ambrixe --	-- --	48	450	449	
November 7th	-- Angola --	-- Brig --	35	579	507	
8th	-- Benguela --	-- --	37	407	390	
17th	-- Angola --	-- --	45	544	500	
23d	-- Cabinda --	-- Ship --	30	573	561	
--	-- Angola --	-- Brig --	39	468	388	
25th	-- Guillmane --	-- --	60	446	446	
28th	Mozambique	-- Ship --	54	440	394	
December 4th	-- Angola --	-- Ditto --	28	609	523	
5th	-- --	-- Brig --	29	598	516	
18th	Mozambique	-- Ship --	60	450	322	
23d	-- Angola --	-- Schooner --	33	358	310	
Total				-	-	24363 | 20852

Slaves embarked - - - 24363
 Slaves landed - - - 20852

Deaths 3311

No. 63.

Henry Hayne, Esq. to the Marquess of Londonderry.—(Received April 20.)

(Extract.)

Rio de Janeiro, February 16, 1822.

ON the 16th ult. I had the honour of addressing your Lordship on the subject of the causes of delay in the execution of the sentence of the Mixed Commission in the case of the Emilia; I now beg leave to transmit to your Lordship the copy of a Note from His Britannick Majesty's Consul General in reply to my letter suggesting his interference, together with his Note to the Minister for Foreign Affairs (Senhor Vieira), and His Excellency's Answer, which incloses a detailed and unsatisfactory account from the Judge of Contraband, of which I also beg to inclose a copy, stating why the sale had not taken place, and attributing the delay to an exorbitant valuation, the want of bidders, and the accustomed forms of the law: and with regard to the prosecution of the Officers of the condemned vessel, the said Judge openly declares, that he has not carried into execution the 1st Article of the Alvará, which prescribes the penalties to which those who infringe the Law are liable, because, in the first place, the sentence, of which he is the mere executor, does not condemn them, and, in the next, because he has received no denunciation against the Parties, without which he cannot prosecute, and in this opinion he is most fully supported by Senhor Vieira, the Minister for Foreign Affairs, in his reply to the acting Consul-General. Relative to the first question, of unnecessary delay in executing the sale of the vessel, there can be little doubt of it, though it is made to appear that the accustomed legal form of sale required it; but that may always be contrived, and is the great objection to the sale being taken out of the hands of the Commission; and I feel confident, my Lord, that had the Alvará not placed the sale in the hands of the Judge of Contraband, the business would have been accomplished, and the product remitted three months since, with a saving of at least 10 per cent.

As the Commission did not feel authorized to sentence the Offending Parties concerned, when condemnation was passed on the vessel and cargo, I proposed, my Lord, that a copy of the Matricula, with notes from the evidence before the Commission, signed by my Colleague and myself, should be transmitted to the Judge of Contraband, with a view of assisting him in the prosecution, a copy of which, as well as the note which accompanied it, I have the honour of inclosing for your Lordship's information. Notwithstanding all that has been said and done these men are at large, without any notice having been taken of them, at liberty to resume their inhuman profession, to which they will most probably return, exasperated against their late Captors, doubtless with a determination to reek their vengeance on them whenever an opportunity may offer, and with confidence that the penalty of the Law will not be visited on them in the event of a second capture. By insisting on the Law being carried into full effect I feel persuaded that many would be deterred from engaging in the traffick, and at least those detected would be incapacitated from resuming it.

(Signed)

HENRY HAYNE.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(First Inclosure in No. 63.)

The Deputy Consul General to The British Commissary Judge.

SIR,

Rio de Janeiro, January 7, 1822.

I HAVE had the honour to receive your letter of the 12th ult. in which you acknowledge the receipt of mine, dated 30th November, inclosing a copy of my representation to the Minister, Senhor Vieira, on the subject of the delivery of the Slaves to their owners, being part of the crew of the *Emilia* schooner, condemned by the Mixed Commission, together with a copy of His Excellency's reply thereto.

I have also to acknowledge the receipt of your's, dated on the following day, informing me that, in pursuance of your instructions to urge your Portuguese Colleague to proceed to the sale of all condemned vessels, as soon after condemnation as possible, you, on the 26th November, represented to the Portuguese Commissary Judge, at the Court of the Commission, that two months had elapsed since the condemnation of the *Emilia*, but that the vessel was still unsold, to her extreme prejudice and daily deterioration; and that, therefore, you begged he would represent the case to his Government, that there might be no more delay in the execution of the sentence.

This, it appears, the Commissary Judge complied with, and accordingly transmitted the Protocol of the day to the Minister for Foreign Affairs, a copy of which you inclosed to me, together with a *Portaria* to the Commissary Judge, reprimanding him for answering your questions, and forbidding him to reply to them in future, or to transmit them to him. You, therefore, state this Minister's extreme want of liberality towards the Commission, and very justly complain of the unwarrantable delay in the execution of the sentence: and, in your own justification, most truly say, that the system pursued in this instance is precisely in unison with that adopted from the first installation of the Commission. Under these circumstances, it became necessary for me to represent to His Excellency, Senhor Vieira, the great delay and procrastination of which you complain, in your two above-mentioned letters to me; and accordingly on the 21st ult. I addressed His Excellency in a note, date 21st December, copy of which I have now the honour to inclose, together with a copy of his reply thereto, accompanied by the copy of a letter from the Judge of Contraband, in answer to a letter from His Excellency, dated 29th December, and which I also inclose you a copy of, and I have to lament their contents are not of a more satisfactory nature; for you will observe that Senhor Vieira is totally silent upon the subject of any punishment's being inflicted upon those who have been so clearly proved to have fitted out and navigated the *Emilia* upon her illicit voyage.

It is, Sir, with no small degree of concern, that I find your unremitting endeavours, to obtain a full and complete execution of the letter and the spirit of the Convention, and the Regulations annexed to it, has met with such vexatious opposition, and wilful delay, on the part of the Brazilian Government, in the *Emilia*'s case, and for which, *under the present circumstances of the country*, I fear no redress can at this moment be obtained, and therefore, your intention of transmitting all the proceedings therein, to His Majesty's Government in England, and requesting that some steps may be taken to place the Commission on a more favourable and independent footing, appears to be highly necessary and requisite, in order to prevent future opposition, and delay, in the event of having other vessels brought into this port for trial: but, Sir, if you think any benefit or advantage can arise, from further remonstrances, or reclamations on my part, I will most readily attend to any thing which you may think proper to suggest, in order to obtain a more just and complete fulfilment of the Convention entered into between the Two Kingdoms of England and Portugal, for the purpose of preventing the Subjects of either Country, from engaging in any illicit traffick in Slaves. I have the honour to be, &c.

(Signed)

ALEXANDER CUNNINGHAM,
Deputy and Acting Consul-General,

Henry Hayne, Esq.

(Second Inclosure in No. 63.)

The British Deputy Consul-General to the Portuguese Minister for Foreign Affairs.

MR. ALEXANDER CUNNINGHAM, His Britannick Majesty's Deputy and Acting Consul-General for the Brazils, and its Dependencis, has the honour to present his most respectful compliments to His Excellency Senhor Francisco Joze Vieira, Minister and Secretary of State for the Kingdom of Brazil, and for Foreign Affairs; and begs leave to represent to His Excellency, that, in consequence of the schooner *Emilia* not having yet been sold, she is daily deteriorating and becoming of less value; several months have now elapsed since her condemnation and her being surrendered to the Judge of the Contraband, and the accounts relative to that vessel's capture cannot be closed and transmitted to the British Government, until the proceeds of the sale of the vessel, her cargo, and appurtenances be liquidated, and placed, as ordered by His Royal Highness the Prince Regent, in His Aviso of the 6th of August 1821, to the Judge of Contraband.

His Britannick Majesty's Acting Consul-General has therefore to request that His Excellency Senhor Francisco Jose Vieira will have the goodness to direct that Judge to proceed, without further delay, to the sale of the Emilia; and he, at the same time, has the honour to assure His Excellency that in thus troubling him, upon a subject to which his attention has already been so frequently drawn, he is actuated by no other motive than that which arises from a sense of its being his duty so to do, and in order to prevent future trouble and discussion.

The first Article of the Regulations for the Mixed Commission states, that judgment shall be given without appeal, according to the letter and spirit of the Treaty of 22d January 1815, and the Convention signed at London, on the 28th of July 1817.

In the Treaty between Great Britain and Portugal, signed at Vienna 22d January 1815, it also appears that other Powers of Europe have been induced to assist in the benevolent object of bringing about a gradual abolition of the Slave Trade; and therefore, it is not to be doubted but that the whole of the Powers therein alluded to, are truly and sincerely interested in this humane pursuit, and that as the Emilia's case is the first which has been brought before the Mixed Commission established in the Brazils, the manner in which the process has been carried on and concluded will become a matter of general concern and consideration; and the British Government, in particular, will no doubt expect that the first Article of His Most Faithful Majesty's Alvará, dated January 26th 1818, pointing out the punishments of those who shall proceed to fit out and prepare vessels for an illegal Traffick in Slaves, shall be put into effect, by applying it to the offenders in the Emilia's case, or at least that the reason, why it is not, should be explained. The sentence was duly transmitted to the Judge of Contraband, together with a copy of the Matricula, as well as an account of the wages due to each individual, for the purpose of enabling the Judge to apply the Alvará to those whom it might appear to affect. The official notes from His Britannick Majesty's Acting Consul General to the Minister of State, naming the persons who had transgressed the law, and begging that the law might be applied to the case, was certainly a full denunciation, and therefore it cannot be alledged, that they were not mentioned or pointed out to the Portuguese Authorities.

Mr. Cunningham avails himself of this opportunity to repeat his high consideration and esteem for his Excellency, Senhor Francisco Jose Vieira.

Rio de Janeiro, 21st December 1821.

(Third Inclosure in No. 63.)

The Portuguese Minister for Foreign Affairs to the British Deputy Consul General.

(Translation.)

THE Undersigned Counsellor, Minister and Secretary of State for the Interior and Foreign Affairs of the Kingdom of Brazil, having received and laid before His Royal Highness The Prince Regent the Note, dated 23d December last, which Mr. Cunningham, His Britannick Majesty's Consul General, addressed to him through the Secretary of States' Office, making a representation against the delay which had occurred in the sale of the schooner, Emilia, condemned by the Mixed Commission, as well as for not having proceeded against those people employed in the outfit and navigation of the same; received an order from the same august Person to reply to you, and transmit the inclosed copy of a note from the Superintendent of Contrabands, by which it is evident that the course pursued is perfectly regular, and that neglect cannot in any manner be attributed to the Judge charged with that business.

The Undersigned, thus fulfilling the orders he received from His Royal Highness The Prince Regent, feels persuaded that Mr. Cunningham will be convinced how much the Government of His Royal Highness is inclined, always to execute the existing laws, and profits of this opportunity of repeating to him expressions of his particular esteem.

(Signed) FRANCISCO JOZE VIEIRA.

Palace of Rio de Janeiro, 4th January 1822.

(Fourth Inclosure in No. 63.)

The Superintendent of Contrabands to the Minister for Foreign Affairs.

(Translation.)

MOST EXCELLENT AND ILLUSTRIOUS SIR,

IN compliance with the Portaria of the 24th instant, in which His Royal Highness The Prince Regent orders, that the note of the Deputy Consul General of His Britannick Majesty, and Arbitrator of the Mixed Commission established at this Court, which solicits

the sale of the schooner *Emilia*, condemned by the said Commission, and to be informed of the reason why full execution has not been given to the first Article of the Alvará of the 26th January 1818, should be sent to me by the Secretary of State's Office, in order that I might report on the subject; I have the honour of communicating to your Excellency, that you may be pleased to make known to His Royal Highness, that the sentence of the above-mentioned Commission having been presented to this Tribunal on the 28th of September of the present year, and after the competent order to fulfil it, the valuation of the schooner *Emilia*, condemned by the above-mentioned Commission, was consequently proceeded with by the appraisers that I judged most fit, those of the Measurement Department of the Royal Marine Arsenal, having previously addressed a note to the Inspector of the Arsenal to that effect, and having immediately advertised the sale by auction in the accustomed form of law, and no advance upon the valuation being made on the last three days of the sale, it being said to be much too high, which gave rise to the representation that I had the honour of addressing to your Excellency on the 24th of last month, to which His Royal Highness noting my not having mentioned the amount of the valuation of the schooner *Emilia*, or the price bidden, was pleased to order me, by the Portaria of the 1st instant, immediately to transmit the above-mentioned information, which I did in my note of the 5th instant; and in the Portaria of the 11th instant, His Royal Highness determines that, should the bidding not reach the actual valuation, that the schooner should be put up to auction, with the reduction that the law prescribes, or that a new valuation should be taken by those who took the first, but, however, not to be adjudged to the Treasury. In conformity to this, I proceeded a second time to put the schooner up to auction, having previously announced it in the Diary for the 22d instant, on which day, there being no bidders beyond the reduced valuation, as directed by the Portaria of the 11th instant, according to which, and the preceding, I have been guided and shall continue so to be, as the inclosed certificate, which I transmit to your Excellency, will shew, and which I presume will do away with any suspicion of culpable omission in this Court, in the execution of the sentence of the Mixed Commission respecting the sale, solicited by His Britannick Majesty's Consul-General.

With regard, however, to the motive for not having given full execution to the first Article of the Alvará of the 26th of January 1818, I have simply to say, that since the Officers of the schooner *Emilia* are not condemned to be transported to Mozambique, or to any fine, by the sentence of which I am the mere executor, conformably to the letter of the law, any excess on my part would be looked upon as anti-legal, especially as I have not yet received a denunciation to commence a new suit in this Court, as is prescribed by the above Alvará, by the letter and spirit of which, according to my view of it, I have been regulated, as I have told His Royal Highness; however, on viewing the whole referred to, and the inclosed certificate, you will decide as you may think proper.

God preserve your Excellency.

(Signed)

JOZÉ FRANCISCO LEAL,

Dezembargador,

Rio de Janeiro, December 29, 1821.

Serving as General Superintendent of Contraband.

(Fifth Inclosure in No. 63.)

Matricula of the Schooner Emilia. With Notes.

(Translation.)

Rio de Janeiro, August 3, 1821.

Approved.

(Signed)

HAYNE.

REBELLO.

THE list of the crew of the schooner *Emilia*, copied from the original *Matricula*, which is with the documents, together with notes taken from the said documents, captured by His Britannick Majesty's ship of war *Morgiana*, and condemned for being taken when engaged in carrying on the illicit Slave Trade; viz.

Severo Leonardo, Master. Neither by the *Matricula*, or any other document, does it appear what wages he received; but by the cargo-book it appears that he had five Slaves of the cargo, and two Slaves mariners: he ran away at Bahia, where he landed with the permission of the Commander of the *Morgiana*, as he himself declared.

Domingos Jozé de Faria, Mate, had four hundred mil reis wages, according to the *Matricula*; one Slave of the cargo belonged to him; and he remained at Bahia, where he landed, sick of a wound which he gave himself in endeavouring to cut his own throat.

Prudencio de Albuquerque, Practitioner, had seventy mil reis wages; he had on board four Slaves, and remained on the Coast of Africa.

Manoel Alcantara, Boatswain, got two hundred and fifty mil reis wages; he had on board five Slaves, and came with the schooner to this Port, where his deposition was taken, and afterwards ran away.

Jozé Joaquim de Moraes, Black Doctor, embarked at Bahia, in the place of Lourenço Domingos dos Santos, who is named in the *Matricula*, and left the schooner on the day of sailing;

got one hundred and twenty mil reis wages. He came to this port, where his deposition was taken, and he is actually on board taking care of the blacks.

Francisco Caetano, Cooper, had one hundred and eighty mil reis wages; he had on board five Slaves, and remained on shore at Bahia with permission of the Captor.

Roque Nagou, Cooper, Slave of Vicente Ferra. Milles; had no wages appointed, and remained on the coast.

SAILORS.

Antonio Joaquim had for wages fifty mil reis, and run away in Bahia.—Joao da Crus had for wages fifty mil reis; he had on board one Slave; he ran away at Bahia.—Manoel da Hora had for wages fifty mil reis, and run away at Bahia.—Estanislao Martins Marques had for wages fifty mil reis, and remained at Bahia with leave from the Captor.

Bento	- - - -	Aussa
Joao	- - - -	Barba
Christovao	- - - -	Aussa
Caetano	- - - -	Mosambique
Antonio	- - - -	Gege
Paulo	- - - -	Aussa
Joze	- - - -	Aussa
Faustino	- - - -	Cabinda
Firmo	- - - -	Barno
Pedro	- - - -	Aussa
Ventura	- - - -	Mina

} Remained on the coast.

These twelve Slaves, sailors, belong to Vicente Ferra. Milles, who sailed from Bahia in the schooner, with the intention of remaining on the coast as Agent to the Owner of the said schooner, as appears by documents found on board, to load this and other vessels; but it does not appear from the passport, or the Matricula, that he went in the schooner, therefore it is concluded that he went concealed: the truth of this supposition is plainly confirmed by several letters found on board, and also by the depositions of one of the witnesses: by some of the same letters it appears that he had for wages two hundred mil reis per month, from the 1st of October 1820; and as the schooner was captured on the 14th of February 1821, he had already gained nine hundred mil reis of his wages. It also appears that he shipped on board the schooner, on his own account, nine Slaves. George Gege, Slave of Joaquin. Carneiro de Campos of Bahia, has not any interest in the negotiation; he is on board the schooner. Jozé Mina was drowned when swimming from the schooner to the shore. Balthezar Aussa, Slave of Ignacio Jozé Ferreira of Bahia, has no interest in the negotiations; he is on board the schooner. Domingos Tapa, Slave of Joze Ramos of Bahia, is on board the schooner.

Rio de Janeiro, August 3, 1822.

(Sixth Inclosure in No. 63.)

The Mixed Commission to the Judge of Contraband.

(Translation.)

THE Mixed Commission for the prevention of the Slave Trade, established in this City, ordered me to forward to your Lordship the inclosed list, with some necessary explanations respecting the crew of the schooner Emilia, captured by William Finlaison, Esquire, Commander of His Britannick Majesty's ship Morgiana, which schooner was judged a lawful prize; in order that your Lordship, in conformity to the Alvará of the 26th January 1818, may be enabled to proceed against the offenders as you may think proper: and that at the time of delivery of the said schooner, be pleased to demand a list, and the crew, which ought to correspond with the inclosed.

I have also to make known to your Lordship, by order of the above-mentioned Commission, that on board the said schooner were found eight hundred and forty-five Spanish dollars, which, by order of the Captor, were expended at Bahia, in the purchase of cables, sails, &c. for the said schooner, by Mr. Riach, the Purser of the Morgiana, as he made appear by the accounts laid before the Commission, remaining responsible for the balance of one thousand seven hundred and eighteen reis, which your Lordship will receive from the same gentleman; and be pleased to acknowledge the receipt of the whole, for the information of the Commission. It remains for me to inform your Lordship, that the schooner and her cargo were insured at one million four hundred and forty thousand six hundred and forty reis, as is apparent by a paper signed by the Proprietor, without mentioning where insured, or by what Company.

God preserve your Lordship.

(Signed)

BRAZ. MARTINS COSTA PASSOS,
Secretary and Register.

Rio de Janeiro, August 9, 1821.

No. 64.

Henry Hayne, Esq. to the Marquess of Londonderry.—(Received May 28.)

(Extract.)

Rio de Janeiro, February 28, 1822.

I HAVE great satisfaction in being at length enabled to lay before your Lordship, accounts of the sale of the schooner *Emilia*, condemned by the Mixed Commission established at this Place, and beg to inform your Lordship, that by the Packet which conveys this, I have remitted the proceeds to the Lords Commissioners of His Majesty's Treasury, in conformity to your Lordship's instructions.

(Signed)

HENRY HAYNE.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 65.

Henry Hayne, Esq. to the Marquess of Londonderry.—(Received July 30.)

MY LORD,

Rio de Janeiro, May 12, 1822.

I HAVE the honour to inform your Lordship, that on the 27th of March last, the brig *Desengano*, under Portuguese colours, entered this Port from Bahia, with 390 Slaves on board, and, about ten days after, a Person, by name John Philip de Amorim, denounced the vessel, for having taken the Slaves on board to the north of the Equator, in violation of the Convention of 1817, and the Alvará of 1818, before the Judge of Contraband, who, by the 4th Article of the said Alvará, is authorized to take cognizance of all denunciations. The Judge ordered his *Escrivaõ*, or Registrar, to inform himself of the case. The Registrar obtained information, reported upon it to the Judge; and the Judge, solely upon this report, decided, that the evidence contained therein was sufficient to authorize his rejecting the case.

Upon this, the Informer, on the 16th of April, referred the case to the Mixed Commission, upon the authority of the 4th Article of the Alvará, which says, "it shall, however, be lawful for either of the Parties to apply to the Mixed Commission, for them to determine whether or not the case have reference to the abolition, in which event the legal proceedings upon it shall be delivered up to the Commission in the state in which they are, and whatever the Commission may decide shall be carried into effect."

I have the honour to inclose a copy of the papers which were laid before the Commission by the Informer, and have numbered them for the sake of reference. The first contains the Informer's petition to the Mixed Commission, to take cognizance of the case on the ground of an unsatisfactory decision of the Judge of Contraband. The second contains the original denunciation before the Judge of Contraband, on the ground of the Slaves having been embarked to the north of the Equator, together with the Judge's despatch or reply. The third contains the *Escrivaõ*'s, or Registrar's, report, with the orders from the Secretary of State to detain and release the Slaves, and the last decision of the Judge.

I thought it advisable, my Lord, to make the case known to His Majesty's Acting Consul-General, to enable him to draw the attention of The Prince Regent's Government to a case which bore the appearance of connivance on the part of the Authorities at Bahia, and of neglect, at least, on that of a Tribunal before which it had been already laid at this Place. I therefore lost

no time in writing a note, of which I beg to inclose a copy, to His Britannick Majesty's Acting Consul-General, transmitting to him a copy of the first Inclosure, expressing a hope that on his representation, the Government would make every exertion, and would afford every opportunity to the Mixed Commission, to obtain a satisfactory elucidation of the case.

It now became a question, My Lord, with the Portuguese Commissary Judge, whether the case in its present state was cognizable by the Commission. I gave it as my decided opinion, founded on the clause of the fourth Article of the Alvará above quoted, that it became the Commission to ascertain whether or not it was a case of contraband.

The Portuguese Commissary Judge in reply said, that the clause which I quoted from the Alvará, presumes a legal process to be commenced before the competent Authority, because it clearly says, that in the event of a reference to the Commission "the *Autos* or legal proceedings upon it shall be delivered up to the Commission in the state in which they are," and he maintained that a suit had not been legally commenced, and that the papers before us were not *Autos*, and as a proof of their not being *Autos*, he said they would have remained in the hands of the Registrar, and not in the power of the Informer, had they assumed that legal form, therefore he could not think of consenting to take cognizance of the case in its present state. After weighing the objections of the Portuguese Commissary Judge, I proposed taking a legal opinion on the point of law, before I agreed to or dissented from them, as it could not be supposed that I should be conversant with the legal forms of the law of the land. I accordingly advised with the Judge Conservator, and others, who were decidedly of opinion, that the papers in question were not *Autos*, and that as the Alvará expressly stated *Autos*, that it would be irregular and not warrantable by the clause of the Act to proceed upon them in that state. It was, therefore, agreed, by the Mixed Commission, to return the petition and the papers to the Informer, with the following note, "not cognizable by the Mixed Commission until formed into *Autos*," leaving it open to him to return with the papers in due form.

The ex-parte statement contained in the third Inclosure, on which the Judge of Contraband's decision is grounded, will of itself shew your Lordship the shallowness of its foundation.

Although, my Lord, this case has every appearance of being contraband, and though the information is laid, which it never would have been, had the Informer not been urged to it, I fear, my Lord, if I may judge from the proceedings before the Judge of Contraband, that with the system which prevails here, and the great general interest taken in the Traffick in Slaves, there will be little chance of a satisfactory result in this case.

I have the honour to be, &c.

(Signed)

HENRY HAYNE.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(First Inclosure in No. 65.)

Petition to the Mixed Commission in the Case of the Brig Desengano.

(Translation.)

MOST ILLUSTRIOUS SIRS, JUDGES OF THE MIXED COMMISSION,

JOHN PHILIP DE AMORIM declares, that in the month of March last, the Portuguese brig, named the *Desengano*, entered this Port, coming from Bahia, with three hundred and ninety Slaves on board, which Slaves, the Petitioner has every reason to believe, were embarked on board the said ship at the port of Quim, at the North of the Equator, in which Port the Traffick in Slaves is prohibited by the Alvará of the 26th of January 1818.

The Petitioner, in consequence of the said Alvará and Treaty, denounced his suspicions to the Judge of Contraband of this Place in the Petition which he has the honour to annex, and by the despatches or replies of the said Judge, it appears that he has not perceived the meaning of the Petitioner, supposing the denunciation to be made under the impression that the said Slaves were landed without paying the competent duties, whereas it is on the illegal purchase of them on the Coast of Africa, where they were embarked; and as the above-mentioned Alvará grants to the Petitioner the privilege of applying to the Mixed Commission on the supposition of his being aggrieved, on these grounds it is that he petitions to your Honours to take such steps as you may judge justice to require, in order to discover whether or not the suspicions of the Petitioner are well founded, and your Petitioner will receive a favour, &c. &c. &c.

(Second Inclosure in No. 65.)

Denunciation before the Judge of Contraband, with the Judge's Reply.

(Translation.)

MOST ILLUSTRIOUS SIR, DESEMBARGADOR, JUDGE OF THE CONTRABANDS,

JOHN PHILIP DE AMORIM declares, that he denounces to your Honour that, in the month of March last, the Portuguese vessel, called the *Desengano*, entered this Port, coming last from Bahia, and bringing three hundred and ninety Slaves, and the Petitioner is fully persuaded that the said Slaves were embarked at the port of Onim, alias Molembo, to the north of the Gold Coast; this being prohibited by the Alvará of the 26th of January 1818: and in conformity to the said Alvará, the Petitioner begs your Honour will be pleased to proceed to examine into the allegation of the Petitioner, in the appointed form of law, by which your Petitioner prays your Honour to be pleased so to order it, and your Petitioner will be thankful.

Judge's Answer.

Let the Registrar inform himself, proceeding to the necessary means of coming at the truth.

Rio de Janeiro, April 6, 1822.

(Signed) CRUZ.

(Third Inclosure in No. 65.)

Registrar's Report, Orders for the Detention and Release of the Slaves, and last Decision of the Judge.

(Translation.)

MOST ILLUSTRIOUS SIR, DESEMBARGADOR, SUPERINTENDENT GENERAL OF CONTRABANDS.

IN compliance with the respectable Despatch of your Honour, I went to the Street of Violas, at the house of Manoel Joaquim Ribeiro, Merchant, registered at the Royal Junta of Commerce, correspondent at this place of Domingos de Almeida Lima, and of Antonio Ferreira Coelho, Proprietors of the vessel called *Desengano*, and I was there informed by the proper correspondent, that the Slaves, which were said to be prohibited, were brought from Bahia, where the full duties on them were paid, as is necessary to shew by a despatch from the Custom-House of that Place, and which was proved by the Custom-House certificate presented at the Custom-House of this Place, and they were in consequence admitted free of duty; these Slaves were disembarked in the said City of Bahia above forty days without the least opposition, and on their arrival in this Port, after being landed at the Lazaretto, they were there detained by an Order from the Secretary of State on the 28th of March, from five to six in the evening, and that on the 29th, at ten o'clock in the morning, an Order was issued by the Secretary of State for their being disembarked and freely sold, as they accordingly were. The said Orders are in the hands of the Administrator of the Lazaretto, and that the said Proprietors traded in Slaves to the Dominions of the Crown of Portugal, to the south of the Line, from whence this cargo came, that it never could be considered prohibited, or it would not have been, as it was, despatched at the City of Bahia. Then going, likewise, to the house of the Administrator of the Lazaretto, to be better informed of what was above stated; by him I was put in possession of the above mentioned Orders from the Secretary of State, of which the following are copies:

His Royal Highness The Prince Regent, through the Secretary of State for the Interior, orders the Administrator of the Lazaretto not to allow, under his own responsibility, any of those Slaves that lately arrived from the City of Bahia to leave the Lazaretto without an Order from the said Secretary of State.

Palace of Rio de Janeiro, March 28, 1822.

JOZE BONIFACIO DE ANDRADE.

His Royal Highness The Prince Regent, through the Secretary of State for the Interior, communicates to the Administrator of the Lazaretto, that the Order directed to him yesterday, concerning the Slaves lately arrived from the City of Bahia, is cancelled, and that they may be placed at the disposal of their Owners whenever applied for.

JOZE BONIFACIO DE ANDRADE E SILVA.

Palace of Rio de Janeiro, March 29, 1822.

This is all that I have been able to ascertain, and all the information I can give your Honour, who will order whatever you may think proper.

Rio de Janeiro, April 12, 1822.

DEZIDERIO JOZE DO AMARAL.

Decision given on the above information.

At sight of the above Information, I have nothing more to decide.

Rio de Janeiro, April 13, 1822.

(Signed)

CRUZ.

(Fourth Inclosure in No. 65.)

The British Commissary Judge to the Deputy Consul-General.

SIR,

Rio de Janeiro, April 19, 1822.

I HAVE the honour to inclose for your information, the copy of a Petition which was received by the Mixed Commission on the 16th instant, by which you will learn that a Portuguese brig, named the *Desengano*, arrived here on the 27th March, with three hundred and ninety Slaves on board from Bahia; that Joao Philipe de Amorim laid an information before the Judge of Contraband as the law directs, denouncing the said vessel for having brought the said Slaves from the north of the Equator, in violation of the Convention of 1817, and the Alvará of January 1818.—By the same papers you will also observe, that the Judge of Contraband orders his Escrivao, or Registrar, to obtain information and proof of the case, or foundation for the denunciation, and upon his simple information also contained herein, which is obtained avowedly from the Owners and Consignees of the said Slaves, that the brig came from Bahia, that the Slaves had been forty days on shore at Bahia, and had there paid the duties; that the Slaves had been embargoed by an Aviso from the Minister of State, when in the Lazaretto of this Port, but had been placed at the disposal of the Owners by the same authority on the following day; and upon this information, without any further proof, the Judge of Contraband despatches the Informer's petition thus: "After the above information I have nothing to grant."

Upon this evasive answer, which amounts to a refusal to accept the denunciation, the Informer avails himself of the fourth Article of the Alvará, which grants to either Party the permission to refer the case to the Mixed Commission to decide, whether it has or not reference to the abolition.—Here the matter rests for the present, but I think I should lose no time in making it known to you, to enable you to call the serious attention of His Royal Highness The Prince Regent's Government to the subject.

Without meaning to prejudice the case, I cannot refrain from remarking, that the blacks in question are, as is publick and notorious throughout the City, belonging to tribes inhabiting the north of the Equator, eight degrees to the N. of the nearest legal Port of embarkation; and that they have been publickly selling in the Valungo as Minas blacks, which is the vulgar name for the black brought from the Gold Coast; judging from these circumstances, and from a Person having denounced the vessel for the sake of the reward, I conceive, Sir, that there exists the strongest suspicion that this is a case of gross violation of the Convention of 1817, and the Alvará of January 1818; and, therefore, I should hope that, upon your representation to His Royal Highness The Prince Regent of Brazil, through His Minister of State, every exertion would be made on the part of His Royal Highness's Government, and every opportunity given to the Mixed Commission to enable them (the Commissioners) to obtain a satisfactory elucidation of the case.

I have the honour to be, &c.

Alexander Cunningham, Esq.

(Signed)

HENRY HAYNE.

&c. &c. &c.

No. 66.

Henry Hayne, Esq. to The Earl of Clanwilliam.—(Received July 30.)

MY LORD,

Rio de Janeiro, May 15, 1822.

I HAVE the honour to annex, for your Lordship's information, a list of the Slaves imported into this harbour during the first three months of this year. Your Lordship will remark that the number has increased one-half, even compared with the same quarter of the last year, contained in the list which I had the honour of transmitting to your Lordship in the month of January last.

The first quarter, my Lord, is generally the heaviest, owing, I believe, to its being the season when the ships arrive from the Eastern Coast of Africa. I believe the accuracy of this list may be relied upon, and I purpose, my Lord, continuing to forward them quarterly.

I have the honour to be, &c.

(Signed) HENRY HAYNE.

*The Earl of Clanwilliam,
&c. &c. &c.*

(Inclosure in No. 66.)

List of Slaves imported at Rio de Janeiro, from January to March 1822.

Date.	Class of Ship	Name.	From whence.	Slaves em-barked.	Died.	Ar-rived.	Imported.
1822.							
January 2d	— Ship —	S. José Americano	— Cabinda —	808	58	750	2483
5th	— Brig —	— Golfinho —	— Ditto —	417	—	417	
16th	— Ditto —	Aurora do Cabo	Mocambique	492	194	298	
17th	— Ditto —	— Landoff —	— Ditto —	428	15	413	
18th	— Ditto —	Paquete do Rio	— Cabinda —	470	10	460	
20th	Escuna	— Liberal —	— Zaire —	145	—	145	
February 1st	— Brig —	— Amazona —	Mocambique	465	43	422	5316
2d	— Ship —	Conceicao Esperança	— Ditto —	389	124	265	
6th	— Brig —	Pastora de Lima	— Angola —	467	60	407	
11th	— Ditto —	— Esperança —	Benguella	431	29	402	
14th	— Ditto —	Triunfo do Brazil	Mocambique	532	131	401	
15th	— Ditto —	Senhora da Guia	Quilimane	529	93	436	
19th	Escuna	Maria Thomasia	— Angola —	470	60	410	
20th	— Brig —	— Ulisses —	Mocambique	631	213	418	
—	— Ditto —	— Trajano —	— Cabinda —	462	2	460	
22d	— Ditto —	— Zephiro —	Quilimane	504	21	483	
23d	— Ditto —	— Mercurio —	Benguella	420	36	384	
24th	Escuna	— Leopoldina —	Quilimane	481	33	448	
26th	— Ditto —	— Marianna —	Mocambique	520	140	380	
March 2d	— Brig —	— Minerva —	Quilimane	487	12	475		4541
5th	Escuna	Principe Regente	— Cabinda —	681	17	664	
—	— Brig —	Principe Real	Benguella P. Para	334	—	334	
9th	Galera	Vinteseis de Fefreiro	Mocambique	623	127	496	
12th	— Brig —	— Abismo —	— Angola —	305	66	239	
14th	— Ditto —	General Sampayo	— Ditto —	465	113	352	
26th	— Ditto —	General Silveira	Quilimane	460	54	406	
—	— Ditto —	Conde dos Arcos	— Ditto —	477	52	425	
—	— Ditto —	Mariana Daphne	— Angola —	470	104	375	
27th	— Ship —	Felis Eugenia	Mocambique	672	217	455	
—	— Brig —	— Dezenzano —	— Bahia —	320	—	320	
Total,				14355	| 2024	| 12340	| 12340

No. 67.

Henry Hayne, Esq. to The Marquess of Londonderry.—(Received September 2.)

(Extract.)

Rio de Janeiro, July 4, 1822.

I HAVE this day, my Lord, made known to His Majesty's Consul-General the arrival of the schooner *Toninha*, fourteen days from Bahia, with two hundred and fifty-six Slaves on board, belonging to the same Owner, and coming precisely under the same circumstances (with Slaves belonging to the North of the Line) as the *Dezengano*, the particulars of which case I had the honour of forwarding to your Lordship on the 12th of May last, subsequently to which date, the endeavours of His Majesty's Acting Consul General and Myself, in bringing to justice, and making an example of such a bold and obvious violation of the Convention have, I regret to state, proved unsuccessful. Even supposing the Slaves to have been legally imported at Bahia, (which, judging from their cast, was not the case), the Convention prohibits their being sent coastways for traffick without a licence, *ad hoc*, and if the ship possesses such a licence, the fact of the Slaves having come from the north of the Line being notorious, renders it an evident connivance of the Authorities concerned.

Mr. Chamberlain has promised to do what he can to put a stop to this new and growing branch of contraband trade.

(Signed) HENRY HAYNE.

The Marquess of Londonderry, K. G.
 &c. &c. &c.

No. 68.

The Marquess of Londonderry to the British Commissioners at Rio de Janeiro

(Extract.)

Foreign Office, July 31, 1822.

I HAVE to acknowledge the receipt of Mr. Hayne's Despatch of the 16th of February 1822, respecting the delay in the sale of the Portuguese Slave vessel *Emilia*, and the neglect on the part of the Authorities at Rio de Janeiro, in directing the prosecution of Persons implicated in the Slave Trade.

Upon the general question regarding the due execution of the 3d Article of the Treaty, which provides for the punishment of Portuguese subjects who may be found engaged in the prohibited Traffick in Slaves, I have received The King's commands to direct His Majesty's Chargé d'Affaires at Lisbon, to make suitable remonstrances to the Portuguese Government.

(Signed) LONDONDERRY.

His Majesty's Commissioners, Rio de Janeiro.

No. 69.

Henry Hayne, Esq. to The Earl of Clanwilliam.—(Received November 10.)

MY LORD,

Rio de Janeiro, August 21, 1822.

I BEG, herewith annexed, to transmit to your Lordship, a list of the ships which have arrived at this Port with Slaves on board, for the purpose of traffick, from the 1st of April to the 30th of June last, in the same form as the list of the three preceding months, which I had the honour of forwarding to your Lordship. The number imported, my Lord, this year compared to the corresponding six months last year, is no less than an increase of six thousand five hundred and thirty-six. A partial increase may be accounted for by the arrival of three vessels from Bahia, which, not finding a good market there, owing, I presume, to the disturbed state of that City, came to this Port where their cargoes met with a ready sale, and fetched a higher price than those usually imported, owing to their being of a better race, doubtless from the north of the Equator, which is readily ascertained by their marks and language; however they were entered at the Custom-House at Bahia, as coming from Molembo.

I have the honour to be, &c.

(Signed)

HENRY HAYNE

*The Earl of Clanwilliam,
&c. &c. &c.*

(Inclosure in No. 69.)

List of Slaves imported at Rio de Janeiro.—(April to June, 1822.)

Date of Arrival.	Description.	Vessel's Name.	From whence.	Embarked.	Died on passage.	Arrived.	TOTALS.				
							Embarked.	Died.	Arrived.		
1822.											
April 16th	— Ship —	St. Ant. Destimido.	— Angola —	747	228	519					
18th	— Ditto —	— Maria —	— Cabinda —	448	69	379					
—	— Brig —	— Santa Rosa —	— Ditto —	313	22	291					
23d	— Ditto —	Senr. do Baluarte	Quelimane	418	215	203					
May 4th	— Ditto —	Conceição Passos	— Angola —	450	49	401	1926	534	1392		
8th	— Ditto —	Reino do Brazil	— Benguela —	425	37	388					
June 6th	— Ditto —	Gram Penedo	— Cabinda —	459	27	432	875	86	789		
—	Schooner	— Urania —	— Angola —	302	34	268					
7th	— Ship —	— Amalia —	— Ditto —	760	153	607					
—	— Ship —	St. Anna Flor do	— Cabinda —	545	11	534					
—	— Ship —	Loando	— Cabinda —	545	11	534					
26th	— Brig —	— Legeiro —	— Benguela —	408	18	390					
27th	Schooner	— Toninha —	— Bahia —	256	—	256					
Total in the Month of January, 1822							-	-	2760	277	2483
February							-	-	6301	985	5316
March							-	-	5303	762	4541
Total in Six Months							-	-	19895	2887	17008

No 70.

Messrs. Hayne and Cunningham to The Marquess of Londonderry. —
(Received November 10.)

MY LORD,

Rio de Janeiro, August 30, 1822.

WE have the honour to acknowledge the receipt of Your Lordship's Despatch of the 17th of May last,* inclosing the copy of a letter, dated the 2d of April, from the Secretary of the Admiralty, by which, my Lord, we are informed that the Instructions issued, in conformity to the Treaties for preventing the illegal Traffick in Slaves, to Naval Officers, will, for the future, be signed by two instead of three of the Lords of the Admiralty.

No ship has arrived here for adjudication since we had last the honour of addressing your Lordship.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEXR. CUNNINGHAM.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

* See Sierra Leone.—(General.)—No. 2.

No. 71.

Henry Hayne, Esq. to The Marquess of Londonderry. —(Received
November 11.)

MY LORD,

Rio de Janeiro, September 12, 1822.

I HAVE already been more than three years out of England, and having suffered much from the heat of last year, and dreading to encounter the whole of the approaching summer, I beg leave to solicit your Lordship's permission to return to England, on leave of absence for six or eight months, for the purpose of recruiting my strength.

Neither on this plea, nor on any other, my Lord, should I be induced to beg such a favour of your Lordship, if I conceived that the service in which I am employed would be prejudiced by my temporary absence, the risque of which will not I think be considered doubtful, since my Colleague, Mr. Cunningham, and the Consul General (who is appointed Locum tenens by the Convention in the event of vacancy) are both on the spot, and have authorized me to inform your Lordship, that they are very ready to undertake the duty that will devolve upon them in consequence of my absence from my Post.

Under these circumstances, I trust, that your Lordship will be pleased to grant my request.

I have the honour to be, &c.

(Signed)

HENRY HAYNE.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 72.

Messrs. Hayne and Cunningham to the Secretary of State.—(Received December 11.)

(Extract.)

Rio de Janeiro, October 19, 1822.

WE have the honour to acknowledge the receipt, on the 7th instant, of your Lordship's Despatch, dated the 31st of July last, in reply to Mr. Hayne's Despatch of the 16th of February 1822, respecting the neglect of the Authorities at Rio de Janeiro, in directing the prosecution of Persons implicated in the Slave Trade, and informing us that your Lordship had made suitable remonstrances on the subject to the Portuguese Government at Lisbon.

With regard to those of the crew who incurred the penalty of the Law in the case of the *Emilia*, though neither of them were brought to this Port, yet they were left within the jurisdiction of this Government, and no steps were taken to apprehend them, or any proceedings made against them, although the Authorities were urged to proceed against them, verbally, by Mr. Hayne, and at his instigation, officially, by His Majesty's Acting Consul-General. The three who are liable to prosecution by the Law, are:

Severo Leonardo, the Master, who left the ship at Bahia, with the British Commander's permission, having been told by the same when the ship was to sail; in proof of which we beg to inclose the copy of some interrogatories which were taken before the Commission;

Domingos José Faria, the Pilot or Mate, who, on account of his being very ill, in consequence of an attempt to destroy himself, was left at Bahia, by permission of the British Commander;

Vincente Ferreira Milles, who embarked on board the *Emilia*, though his name does not appear in the Matricula, remained at Onim, on the Coast of Africa, whence the Slaves were exported. He sold the cargo, and shipped the Negroes at Onim, and, therefore, I conceive should be looked upon as the Supercargo, though not rated as such.

Nothing more, my Lord, has been done in this business since Mr. Hayne had the honour of addressing your Lordship on the subject, on the 16th of February 1822, and the only reason assigned for not proceeding against these people was, because they were not named in the sentence which condemned the vessel and cargo; and therefore the Judge of Contraband, who called himself the mere Executor of the sentences of the Mixed Commission, would not, *ex officio*, proceed against them, and the Prime Minister, in his reply to Mr. Cunningham, expressed himself satisfied with the said Judge's reasons. Both the Judge's report, and the Minister's reply, to the Acting Consul-General, to that effect, were inclosed in Mr. Hayne's Despatch of 16th February, to which we beg leave to refer your Lordship.

We do not see, my Lord, how far the Mixed Commission was authorized to sentence these people to a punishment, to which they were rendered liable by the Alvará, and not by the Convention, or by the Regulations with which we were furnished.

Under the new order of things here, we feel it to be our duty, my Lord, to remain at our Post, and to perform the functions of our Office, in every respect, as long as we are permitted so to do, and our Portuguese Colleagues continue to act with us, or until we are honoured with His Majesty's commands to the contrary.

(Signed) HENRY HAYNE.
ALEX. CUNNINGHAM.

His Majesty's Principal Secretary of State for Foreign Affairs,
&c. &c. &c.

(Inclosure in No. 72.)

Extract from the Proceedings against the Schooner Emilia, captured by His Majesty's Ship Morgiana, William Finlaison, Esq. Commander.

(Translation.)

ON the 18th of July 1821, William Finlaison, Esq. Commander of His Majesty's ship Morgiana, appeared before the Mixed Commission, and the following Interrogatories were put to him on oath, by the Portuguese Commissary Judge.

“ Why did not you permit the Master, Severo Leonardo, to make a protest against the capture of the schooner Emilia, at the time of the capture ?”—Because, neither at the time of capture, or at St. Thomé, or on the Gold Coast, or at Cape Coast, or lastly, at any other place, day or hour, did the Master ask me for pen, ink, and paper for that purpose, or did he shew, or communicate to me, any wish to that effect, and it was only after we entered Bahia, in the cabin of the Morgiana, before some Officers of the ship, and other persons, that I heard the Owner, Manoel Francisco Moreira, say to the Master, why did you not make a protest, and I heard the Master reply, that having taken from him all the papers he had on board, “ what was the use of protesting ”

“ Why did you allow the Master of the schooner to escape, when he should have come to give his deposition before the Commission ?”—Because it was his duty to defend his right, if he had any; I had no business to prevent his escape: adding that he did not hear the conversation between the Master and the Owner through the medium of an Interpreter, and that when it was over the Master smiled; that he communicated to him through Lieutenant H. S. Head, the day on which he expected to sail, and made the same participation to the British Consul at Bahia.

This was taken and signed before the Commissary Judges.

(Signed)

WILLIAM FINLAISON, Captain.

THEO. DE MELLO, (Interpreter.)

Rio de Janeiro, October 17, 1822.

No. 73.

Mr. Secretary Canning to the British Commissioners at Rio de Janeiro.

GENTLEMEN,

Foreign Office, November 26, 1822.

I SEND to you, for your information and guidance, the copy of a Despatch, addressed, on the 22d of February 1822, by The King's command, to His Majesty's Chargé d' Affaires at Lisbon, proposing, 1st, that the provisions of the Convention of the 28th of July 1817, for the case of the death of one of the Commissioners, shall extend to the case of vacancies occurring in the Commission from illness or absence on leave.—2dly, the copy of a Despatch, dated the 6th of April 1822, from His Majesty's Chargé d' Affaires at Lisbon, together with its Inclosure, signifying the readiness of the Court of Portugal to sign an Article to the effect suggested.—And, 3dly, the copy of an Instruction, which I addressed on the 25th of September 1822, by the King's command, to His Majesty's Chargé d' Affaires at Lisbon, inclosing the *Projet* of an additional Article for extending the provisions of the Convention in this particular accordingly.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in forwarding the same to you.

In the mean time, you will endeavour to come to an agreement with your fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

(Signed)

GEORGE CANNING.

His Majesty's Commissioners, Rio de Janeiro.

No. 74.

Mr. Secretary Canning to Messrs. Hayne and Cunningham.

GENTLEMEN,

Foreign Office, January 10, 1823.

YOUR Despatches to the 19th of October last have been duly received, and I cannot acknowledge the receipt of them, without adverting in terms of approbation to that part of your Despatch of that date, wherein you state that you feel it to be your duty to remain at your Post, and perform the functions of your Office in every respect, notwithstanding the political change which is taking place in the Dominions of Brazil.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners, Rio de Janeiro.

No. 75.

Mr. Secretary Canning to Henry Hayne, Esq.

SIR,

Foreign Office, January 14, 1823.

I HAVE received your Letter of the 12th of September 1822, addressed to the late Marquess of Londonderry, and I have laid the same before The King.

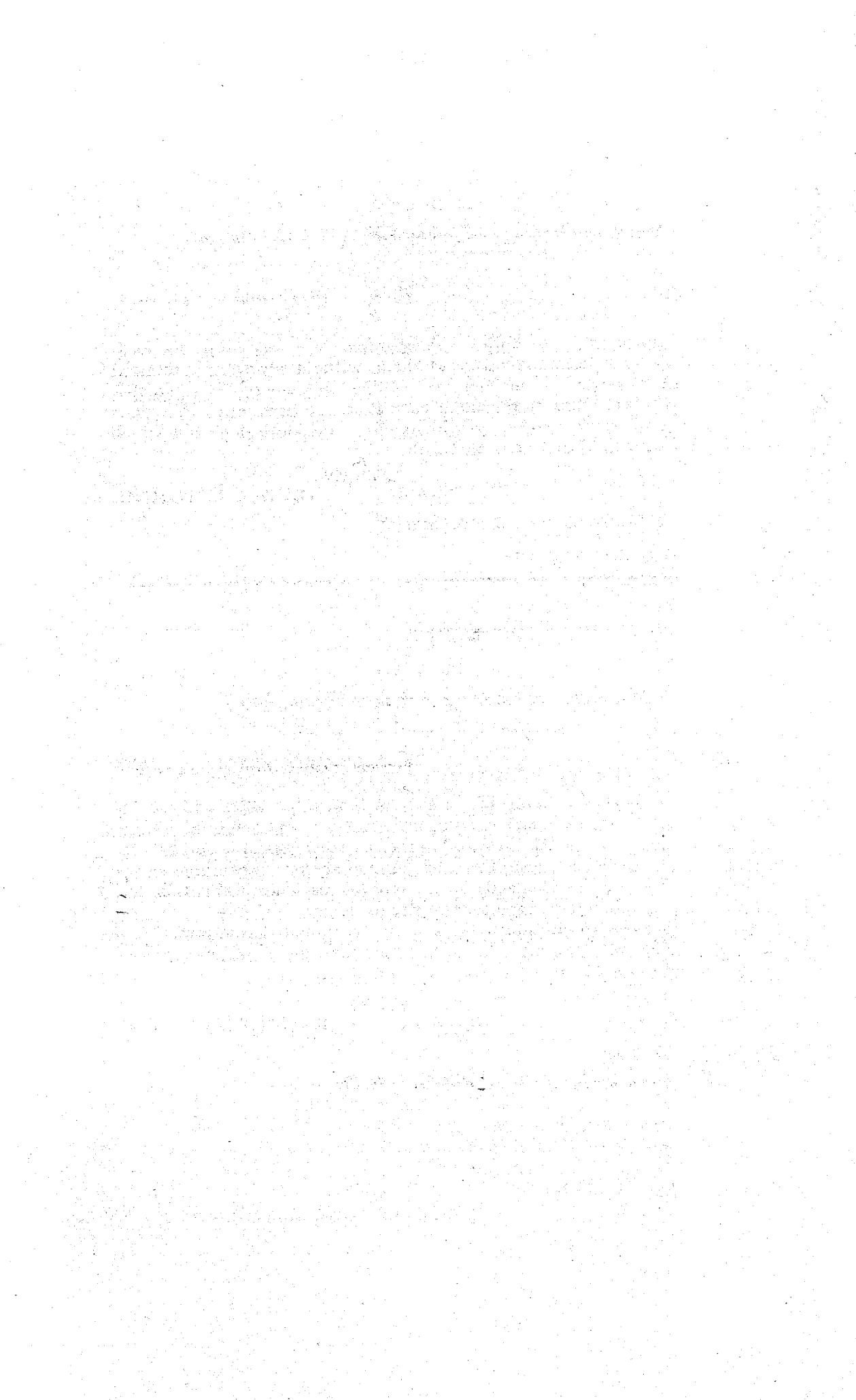
I am to convey to you His Majesty's gracious permission for you to come to England on account of ill health; such leave of absence to continue for the period of your voyage to England, for six months residence in this Country, and for the period of your voyage back to Rio de Janeiro.

You will take care to give due notice of your leave, and of your intention of availing yourself of it, both to the Mixed Commission, of which you are a Member, and to the Local Authorities at Rio de Janeiro.

I am, &c.

(Signed) GEORGE CANNING.

*Henry Hayne, Esq.**British Commissary Judge, Rio de Janeiro.*



SURINAM.

No. 76.

C. E. Lefroy, Esq. to William Richard Hamilton, Esq.—(Received April 22.)

SIR,

Surinam, February 8, 1822.

I HAVE the honour to acknowledge the receipt, yesterday the 7th instant, of your letter, dated 25th October 1821, informing me, by direction of the Secretary of State, that the instructions referred to in the Treaty with the Netherlands for the prevention of the Slave Trade, which had been issued to His Majesty's ship *Euryalus*, upon the West Indian station, have been transferred from that ship to His Majesty's ship *Tamar*, of sixteen guns, Captain Sir William Saltonstall Wiseman.

I am, &c.

CHRIS. EDWD. LEFROY.

(Signed)

William Richard Hamilton, Esq.
&c. &c. &c.

No. 77.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received May 23.)

(Extract.)

Surinam, March 19, 1822.

I AM happy to say that we continue without any open arrivals of Slaves since May last, but I have reason to fear that some contraband importations have been effected.

(Signed)

CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 78.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received July 4.)

(Extract.)

Surinam, May 1, 1822.

ON the subject of the *Process of our Court*, I regret to inform your Lordship that, notwithstanding the repeated importunities of myself and late Colleague, *the Mixed Court is actually without any process by which it can act, up to this day*; the Authorities here having refused the English forms of practice, which, in obedience to your Lordship's directions, we pressed upon their adoption as soon as we arrived. The late Dutch Judge, Mr.

Chagnion, was ordered (as we were informed), to arrange a form of proceeding according to the Dutch Law, but he having died without discharging that duty, the fulfilment of it devolved, of course, to his Provisional Successor under the Treaty, viz. our late Governor, Mr. Vaillant, who promised his immediate attention to it, but who has *done nothing up to this day*; and I cannot forbear saying, that if his Successor persists in the same negative conduct upon the subject of the Treaty, in the execution of which I have the honour to be employed, the increase of clandestine importations will, it is to be feared, be nearly, if not fully, commensurate with the restriction of the open traffick. The Slave Trade, it is obvious, is not a practice to be overcome by gentle admonitions, or merely negative prohibitions, or any thing short of the energetick measures pursued by the British Government, conducted as it is by miscreants whose inhuman character no language can adequately designate, and the profits of which are nearly in proportion to the risk; but so far from the Authorities of this Colony having *hitherto* made any active use of the means which are in their hands for the suppression of this murderous traffick, I am reluctantly compelled to acquaint your Lordship that the Comet, Dutch frigate, and Swallow, brig of war, both commissioned under the Treaty, and also a brig of war, called the Thetis, maintained at the expence of, and belonging to, the Colony, have been, one or other of them, laying off the Town more than once when Slave-vessels have been hovering off the mouths of the rivers (and some of which, I have reason to fear, have effected a disembarkation of their cargo), without ever quitting their moorings, instead of cruizing occasionally up and down the coast to interrupt or observe them.

I am happy to say that we continue without any open arrival of Slave-vessels since May last, and that, although an offer which I made of a reward for the conviction of *English* Slave-traders has been rejected, I am not without hope, from the subsequent seizure of a vessel for Slave-smuggling, the Parties concerned in, and circumstances of which, are now undergoing the proper inquiry, (the first that has been instituted here, to my knowledge, since I have resided here); that it will have the effect I desired, viz. that of provoking the Government of this Colony in future to a little more activity: your Lordship will not, I am persuaded, feel it the less necessary, to make the Mixed Court efficient, by calling upon the Ministers of His Netherlands Majesty, either to furnish it with a form of Process agreeable to the Dutch Laws, or to give directions to the Dutch Commissioners here to adopt that practised in the British Courts, agreeably to your Lordship's proposal made to them through us. It is only necessary for me farther to inform your Lordship, at present, that no Court or apartment has been appropriated to the Mixed Commission since the building originally designed for that purpose was burnt down, in January 1821, and that no Commissioner has yet been appointed to take the place of Mr. Chagnion, who died so long ago as November 1820.

I shall of course communicate to the Fiscal here, from time to time, all the information I can obtain against illicit Slave-traders, but in a Slave country, where the testimony of Slaves is not evidence, your Lordship will easily believe that it will be, in nine cases out of ten, impossible to procure *legal proof*.

(Signed)

CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.

&c. &c. &c.

No. 79.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received July 5)

(Extract.)

Surinam, May 10, 1822.

I HAVE the honour to acquaint your Lordship that a vessel has been seized for Slave-smuggling, the Parties and circumstances of which are undergoing inquiry: I have since been so fortunate as to obtain from two of the crew the depositions of which the inclosed are copies. I also inclose copy of a letter which I thought it my duty to address to the Fiscal.

The Governor has called on me to say, that he had ordered the accused, *Charles Beverley*, into custody to be examined, and, if the evidence was found adequate to support the charge, to be proceeded against regularly in the Court of Criminal Justice here, called the Court of Policy, and I am happy to say that the man is now in the criminal gaol here awaiting the proceedings of the Court, which are at present, I believe, in the preliminary stage, corresponding with the inquest of our Grand Juries: with the result of their proceedings, whether they ignore the bill, or put the man upon his trial, I shall of course acquaint your Lordship as soon as I know it.

Your Lordship will see that I have ventured to act in the present case a little beyond the letter of your directions, and you will of course correct me if I have done wrong; but I thought it of such great importance that an example should be made of the present prisoner, and felt so confident that this would be the case if his trial took place in a British Colony, (for the Slave Trade by a British subject is now become patricide as well as felony, and I am sorry to say there are other Englishmen in this Colony more criminally and extensively engaged in it than the prisoner,) that I thought myself called upon to make to the Governor the offer which I did, even without any direct authority from your Lordship to that extent.

Begging more precise instructions from your Lordship for my future guidance in such cases, I have the honour, &c.

(Signed) CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.

&c. &c. &c.

(First Inclosure in No. 79.)

Deposition of Johanes Pierre Clairac.

Paramaribo, Surinam, South America, May 1, 1822.

APPEARED personally before me, (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) Johanes Pierre Clairac, Freeman and Creole of this Colony, and late serving on board the *Thetis* brig of war, belonging to this Colony, who being duly sworn, maketh oath, and saith, that, since the beginning of the present year, (but the day or month in which he cannot specify), he sailed from hence to Martinique in a sloop belonging to and commanded by *Charles Beverley*, an Englishman, now residing in the Colony of Surinam, where (that is to say at Martinique), this deponent maketh oath, and saith, that he, the said Charles Beverley, took into the said sloop a cargo of twenty-two new Negroes, apparently recently imported into Martinique from Africa, all of whom he this deponent swears, to the best of his knowledge and belief, had never been employed as Slaves on a plantation till within a very short period of his, this deponent's, arrival at Martinique, where they were found by the said sloop on a small plantation to the leeward of the Island, and embarked on board the same by the said Charles Beverley, in the middle of the night; and this deponent, on his oath, further saith, that he made sail on board the said sloop from Martinique, with the said Charles Beverley and the said Africans, direct to the Coast of Nickerie, a district of this Colony of Surinam, where all the said Africans (except one, which he, this deponent, maketh oath that the said Charles Beverley brought to his own house, near

Paramaribo), were disembarked, and put on shore; and this deponent, on his oath, further saith, that he saw no more of any of the said Africans (except the one aforesaid), after their disembarkation from the said sloop, on the Coast of Nickerie; and that he does not know to whom they were consigned, to whom they belong, or in whose possession they, or any of them, now are, except the one so brought by the said Charles Beverley to his house, near Paramaribo, as aforesaid, which, as far as this deponent is informed and believes, still remains in his possession; and this deponent further saith, that there was one white sailor, besides the said Charles Beverley, engaged and taken on board the said sloop to serve as a sailor therein, by the said Charles Beverley, at Martinique, whom he, this deponent, verily believes to be an Englishman, but who was only known to him, this deponent, by the name of Jim.

(Signed)

JOHANES PIERRE CLAIRAC.

On the first day of May 1822, the said Johanes Pierre Clairac was duly sworn to the truth of this affidavit, before me,

(Signed)

CHRIST. EDWD. LEFROY,
Brit. Com. Judge.

(Second Inclosure in No. 79.)

Deposition of James Eley.

Paramaribo, Surinam, South America, May 3, 1822.

APPEARED personally before me (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) James Eley, native of the Parish of Clerkenwell, in the County of Middlesex, seaman, lately serving on board the American merchant brig, called the Liberty, who being duly sworn, maketh oath, and saith, that on or about the 11th day of March, in this present year, he was engaged at St. Pierre, in the Island of Martinique, by Captain Charles Beverley, (to the best of this deponent's knowledge and belief an Englishman, generally resident in the Colony of Surinam,) to serve on board a sloop, called the Heriot, (then commanded by, and as far as this deponent is informed and believes, belonging to the said Charles Beverley,) at the rate of fourteen dollars per month, but that neither the nature of the cargo which the said Charles Beverley was in quest of, nor the voyage projected by him, entered into the terms of the engagement between him, this deponent, and the said Charles Beverley, nor were known to him, this deponent, at the time of his engagement, further than that the said Charles Beverley told him, this deponent, that he was going to Surinam, and this deponent farther saith, that in a day or two after his embarkation on board the said sloop, (that is to say) on or about the 13th March, he made sail with the said Charles Beverley, in the said sloop from the harbour of St. Pierre, to a part of the coast of the said Island, between the towns of St. Pierre and Port Royal, where they took into the said sloop a cargo of twenty-two new Negroes, apparently recently imported into Martinique, from Africa, all of whom he, this deponent, swears, to the best of his knowledge and belief, had never been employed as Slaves on a plantation, till within a very short period of their embarkation on board the said sloop at the Place aforesaid, in the Island of Martinique, where they were found by the said sloop and embarked on board the same, by the said Charles Beverley, about the hours of eleven and twelve o'clock at night, and this deponent farther saith, that he made sail on board the said sloop from Martinique, with the said Charles Beverley, and the said twenty-two new Negroes, immediately after their embarkation, direct to the Coast of Nickerie, a district (as far as this deponent is informed and believes) of the Colony of Surinam, where all the said Negroes (except one which accompanied him, this deponent, on board the said sloop to Paramaribo,) were disembarked and put on shore; and this deponent on his oath farther saith, that he saw no more of any of the said twenty-two new Negroes, so embarked on board the said sloop at Martinique as aforesaid, (except the one aforesaid) after their disembarkation from the said sloop on the Coast of Nickerie, and that he does not know to whom they belong, or in whose possession they or any of them now are.

(Signed) JAMES ELEY.

On the 3d day of May 1822, the said James Eley, was duly sworn to the truth of this affidavit before me.

(Signed) CHRIS. EDWD. LEFROY,
Brit. Com. Judge.

(Third Inclosure in No. 79.)

The British Commissary Judge to the Fiscal.

SIR,

Paramaribo, May 4, 1822.

UPON the evidence now before you, of Johanes Pierre Clairac, and James Eley, you see, Sir, that my suspicions of Slave-smuggling into this Colony are not unfounded. I invoke upon Charles Beverley (whom I hope you have in close custody) the penalties of Article 1 of your law of No-

ember 1818, unless the Governor (to whom I shall immediately apply) will, in compliance with the wishes of my Government, deliver him over for trial, with the witnesses, to the Governor of Berbice, or some other British Colony. I am aware, Sir, that my judicial duties only extend to cases of vessels brought before me by a Dutch or British cruizer; but I should ill discharge my duty as an international officer, appointed to execute and see executed a solemn Treaty, either to my Government or your's (whose character for good faith and sincerity might otherwise be compromised,) if I had failed to complain of the utter inactivity upon this subject which prevailed throughout the Government of M. Vaillant, especially during the early part of my residence here. I hope better things of his Successor; but I need scarcely say to a man of your professional intelligence, that the Slave Trade is not a practice to be overcome by gentle admonitions, or merely negative prohibitions, or any thing short of the energetick measures pursued by the British Government, conducted as it is by the most demoralized and inhuman desperadoes, and the profits of which are nearly in proportion to the risk. At all events, I call on you officially to detain the persons of the witnesses now in your custody, and to take immediate steps for securing that of the said Charles Beverley, till I have had time to communicate with the Governor upon the subject; and I farther beseech you, Sir, that you would pursue the investigation of the case with your characteristick energy, in order to discover the other Parties concerned, and if they are Englishmen, that you would furnish me with their names, and those of the witnesses against them, with copies of their depositions, in order that I may, in obedience to my directions, transmit them to my Government, or send them for trial, if I can prevail with His Excellency to take that step, to the nearest British Settlement.

I have the honour to be, &c.

(Signed)

C. E. LEFROY.

His Honour The Fiscal.

No. 80.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received July 5.)

MY LORD

Surinam, May 16, 1822.

I HAVE the honour to acknowledge the receipt, on the 13th instant, of Your Lordship's Despatch, dated January 15th, inclosing the copy of a Note from the Ambassador of The King of the Netherlands at the Court of London, addressed to Your Lordship, announcing the appointment of the Netherlands corvette *Kemphaan* to the service of the suppression of the illicit Slave Trade.

I have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

No. 81.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received August 11.)

MY LORD,

Surinam, June 4, 1822.

I HAVE the honour to inclose your Lordship the copy of a Letter addressed to me by Major-General de Veer, the present Governor-General of this Colony, announcing the appointment of Mr. A. F. Lammens, Member of the Court of Civil Justice, to the office of Judge of the Mixed Court, under the Treaty for the suppression of illicit Slave-trading, on the part of His Majesty The King of The Netherlands, in the room of Mr. P. J. Chagnion, deceased, and to acquaint you that Mr. Lammens has since duly taken the oath prescribed by the Treaty for such appointment.

I have the honour to be, &c.

(Signed)

CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.

&c.

&c.

&c.

(Inclosure in No. 81.)

The Governor of Surinam to the British Commissary Judge.

(Translation.)

Paramaribo, May 17, 1822.

I HAVE the honour of notifying to you, that His Majesty The King, by His Decree of the 8th of January 1822, (No. 27.) has been pleased to appoint Mr. A. F. Lammens, Member of the Court of Civil Justice in this Settlement, to be Judge of the Mixed Commission for the prevention of the Slave Trade.

Accordingly, as this Gentleman will have frequent intercourse with you, nothing will afford me greater satisfaction than to be informed that perfect harmony and similarity of sentiments uniformly prevail between you, Sir, and the Judge in question; for it will tend to promote the accomplishment of the objects which both Powers have in view.

(Signed)

A. DE VEER.

C. E. Lefroy, Esq.

No. 82.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received September 4.)

MY LORD,

Surinam, July 2, 1822.

I HAVE the honour to inclose you a copy of a *Mode of Procedure* for the Mixed Court established in this Colony, already arranged with me by Mr. Lammens, since his appointment to the Office of Judge on the part of The King of the Netherlands, subject, however, to His Majesty's approbation. This arrangement appears to me to embrace the directions of the Treaty, and all the essential points of the Regulations provided for the Courts in the English Colonies, from which we design to translate the forms of the pleadings, for the use of our Proctors, almost literally; but it is necessary for me to call Your Lordship's attention particularly to the latter part of the sixteenth Article. By Your Lordship's present directions, I am ordered to remit the full moiety of the produce of condemned ships, without any deductions for salary or contingent expences, to the Lords Commissioners of His Majesty's Treasury; this is of no consequence; but as the costs of proceeding by a Proctor to obtain the condemnation of a vessel, may be very considerable, and must in the first instance be defrayed by the Naval Officer employing him, to whom it may often be a serious inconvenience to advance such a sum of money till he can be reimbursed from home, it appears to me very desirable that the Court should be furnished with a discretionary Power of ordering the payment of these costs, out of the produce of the sale of the condemned vessel, where (as, in all probability, will most frequently be the case) the Master of the condemned vessel, or Claimants, have no other funds within reach of the jurisdiction of the Court. If Your Lordship thinks this suggestion reasonable, I will beg you to communicate to me your approbation of my exercising, in concurrence with my Colleague, such a discretion, as I feel myself precluded by my present instructions from so doing. Mr. Lammens informs me that he is already furnished, by the Ministers of His Majesty The King of the Netherlands, with sufficient authority for that purpose. With the spirit of integrity, cordiality, and good faith in which this Gentleman has commenced his attention to the duties of his new appointment, I am happy to express to

Your Lordship my entire satisfaction, although Your Lordship sees that the Mixed Court, as at present constituted, how anxious and zealous soever for the accomplishment of its great object, can only take cognizance officially of cases brought before them by a Dutch or British cruiser.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
 &c. &c. &c.

(Inclosure in No. 82.)

*Mode of Process, or Form of Procedure for the Mixed Court at Surinam,
 for the Prevention of the Slave Trade.*

(Translation.)

ARTICLE I.

THE judgment of the Court is to be given as summarily as possible, and without appeal, about,
 1st. The validity of the attachment laid on vessels used in the Slave Trade, and their forfeiture.
 2dly. The invalidity of the detention of vessels, and the recovery of damages, claimed therefore.
 (Treaty, May 4, 1818, Instruction for the Courts, Art. 3, 6, 7.)

ARTICLE II.

The sentence (if possible), shall be pronounced within twenty days. (Treaty, May 4, 1818, idem Art. 1.)

ARTICLE III.

In order to fulfil that part of the law, the commissioned Captain, or the person in charge of the captured vessel, shall make his declaration with regard to the arrested vessel or vessels, within thrice four and twenty hours after the vessels are come into the river of *Surinam*; which declaration, written in the Dutch language, and under his oath, he is to deliver into the hands of one of the Judges or the Secretary of the Court, and in case of his not fulfilling this, then the Captain or Master of the arrested vessel shall deliver in his declaration, in the same manner, written in the Dutch language, within the following twice four and twenty hours; in this last event, the commissioned Captain, if even he has made his arrest properly, shall be condemned in the costs of the Process.

ARTICLE IV.

The Secretary shall, within twenty-four hours after the delivery of the aforesaid declaration, by the doorkeeper, by way of affixing a citation to the door of the Court of *Civil Justice*, and by personal service of the same, (of which he shall make his report to the Court), summon both Parties, or their Attornies, to appear within three free days before the Court, (fixing, in the citation, day, hour, and place), to hear the claim and conclusion made by the Parties or claimant, in order to answer thereupon, and to proceed with the Process from three to three days.

ARTICLE V.

The arrested person, plaintiff, or claimer, shall deliver in, the first day, all his Documents and evidence, upon which the Secretary shall put his exhibitum, and give a receipt for the same.

The person arrested, plaintiff or claimer, shall not or may avail himself of any others, or more, without consent of his adversary.

ARTICLE VI.

All Documents in use before the Mixed Court, are exempt from stamp duty.

ARTICLE VII.

All Documents may be inspected by the opposite Party, and extracts or copies taken thereof; which shall be delivered by the Secretary at the expence of those that may require them.

ARTICLE VIII.

At all the terms, the respective Parties shall proceed, by way of memorial, to answer, reply, and rejoyn; after which, the case shall be considered as determined, without pleading.

ARTICLE IX.

The Court may, for their own particular information, require such documents as they may deem proper.

ARTICLE X.

In case the arrested or defendant, may want more than three days to produce justificatory evidence, then a delay of four weeks, at the utmost, may be allowed him, to deliver in his answer, in order that the definitive sentence may be pronounced within two months. (Treaty, 4th May 1818. Instructions for the Courts of Justice, Article I.)

ARTICLE XI.

Should the arrested or defendant apply for a longer delay, as necessary to bring forward evidence, in this case four months may be granted him, in addition to the before mentioned time of four weeks,—nevertheless under these conditions, that he shall give on his part, unlimited and sufficient security, satisfactory to the Court, to make good all farther costs of process, demurrage, damages, &c. which may result therefrom, or occur within that period, or of such which may be purely accidental; and that may stand in no connexion with the Lawsuit. (Treaty, 4th May 1818, idem.)

ARTICLE XII.

In case by the decision of the Court the arrest or detention be declared unlawful, then the Captain of the arrested or detained vessel shall deliver to the Secretary his claim for recovery of damages, within four times twenty-four hours, and the proceedings continue as is expressed before, Article 4. and following.

ARTICLE XIII.

As soon as sentence shall be pronounced, notice thereof shall be given immediately to His Excellency the Governor of this Colony, and (if need be), his assistance be asked, to effect the execution of the same. (Ministerial Instruction, July 18, 1819.)

ARTICLE XIV.

Proctors and Attornies shall be admitted, before the Mixed Court, provided they have previously taken the oath prescribed before one of the Judges, and of which the Parties shall be informed at the delivery of their declaration of arrest or detention. (The King's Decree, August 1, 1820.)

ARTICLE XV.

To the Proctors or Attornies, if required, shall, at their expence, be given :
1st. Authentick Copy of the Treaty, May 4, 1818.
2dly. This mode of procedure, and such forms as are stipulated thereby.

ARTICLE XVI.

The Secretary is authorised to tax the costs of the Proctors, &c. and, in case of the opposite Party not being satisfied, he may bring the same before the Court for re-examination, and all costs shall be paid by the Party against whom judgment may be given; or, in case the arrested vessel shall be condemned, the same may be paid out of the produce thereof, if the Court should be authorised thereto, and should think it expedient so to order.

ARTICLE XVII.

A proper Register shall be kept by the Secretary, to take down every thing that is going on before the Court.

ARTICLE XVIII.

This mode of procedure may be enlarged and altered as circumstances might require.

ARTICLE XIX.

If the Judges cannot agree in regard to the construction of these Articles, or the jurisdiction of the Court, it shall (*pro re nata*), be decided by one of the Arbitrators (to be chosen by lot), upon reference to the Treaty and Ministerial Instructions.

This form of process to be sent for approbation to His Majesty The King of the Netherlands, and, in the mean time, provisionally adopted by the Mixed Court sitting at Surinam.

(Signed)

A. F. LAMMENS.

CHRIS. EDW. LEFROY.

No. 83.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received September 13.)

MY LORD,

Surinam, July 23, 1822.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated May 17, 1822,* communicating the copy of a letter from the Secretary to the Admiralty, to Joseph Planta, jun. Esq. intimating, that in future there would be only two signatures of the Lords Commissioners of the Admiralty, to the Instructions issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

I have the honour to be, &c.

(Signed)

CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

* See Sierra Leone.—(General.)—No. 2.

No. 84.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received October 28.)

(Extract.)

Surinam, August 22, 1822.

AS there is generally a long discontinuance of any direct intercourse with Europe after this month, and the opportunities of communication through our Colonies is quite accidental, I thus early renew my solicitation for the indulgence of a Furlough, to return to England in the ensuing Spring. It is, moreover, my Lord, of course desirable, if such indulgence can be extended to me, that I should have some little notice, and I shall not probably receive your Lordship's reply to this application within six months at least.

I have nothing of official importance to communicate to your Lordship,

(Signed)

CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 85.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received November 20.)

(Extract.)

Surinam, September 20, 1822.

FROM the Inclosures which I have now the honour to submit to you, (viz. copies of a Letter addressed by me to the present Governor-General of this Colony,—translation of a Proclamation of His Excellency,—and, copy of a Letter I have thought it my duty to address to the Governors of the neighbouring British Colonies,) your Lordship will learn that *Charles Beverley*, the British Slave-trader, already reported to your Lordship, has contrived, since the date of my last Despatch, to make his escape from the Criminal Gaol of this Colony, and that the Fiscal has restored the Negroes brought in

here by Beverley, to Monsieur le Martineau (the consignee,) upon his giving security (as I am informed,) that he would prove the lawfulness of their importation; I am sorry also to say, that the Governor has declined my offer of a reward for the re-capture of Beverley, and I cannot but regret, that no reference to the offence for which he was imprisoned is made in the accompanying Proclamation. I am not aware that it is open to me to take any further step in this business than I have done.

Your Lordship has well observed, in a letter to The Earl of Clancarty, dated the 21st of March 1821, and printed in the Parliamentary Papers, "that the continuance of this horrible Trade, or its abolition within the dominions of the Netherlands Government, to which His Netherlands Majesty is solemnly pledged by Treaty, depends entirely upon the tenour of the orders which they may send out to their Colonial Possessions." But the Treaty has now been concluded nearly five years, and (excepting in my present Colleague, M. Lammens, who is but just appointed, and is scrupulous of interfering with the duties of the Executive Government here,) I cannot perceive in any other of the Surinam Officers of His Netherlands Majesty, either civil or military, the slightest appearance of any peremptory orders, in the *bond fide* spirit of the Treaty, having been received by them, towards accomplishing the object of the Treaty. So far from cordially co-operating with me, if any good has been effected since I have been here, it has been effected only by the most irksome and continuous extra-judicial importunity on my part, which ought not to have been necessary, and at the utmost expense possible of trouble and expostulation to your Lordship, and His Majesty's Ambassador in Holland. Will your Lordship think me too presumptuous, if I suggest that there is still one step by which the Government of His Netherlands Majesty may satisfactorily evince their earnestness and good faith in this important cause, (viz.) the introduction into this Colony of a Registry Act, similar to that enforced in the British Colonies? This Act, your Lordship sees, although it might in some degree be crippled, could not be entirely defeated; because, by making the registration of Slaves indispensable to the Owner's title, the neglect of complying with its provisions would put people in the power of each other.

I beg to take this opportunity of acquainting your Lordship, that on the 29th ultimate, Captain Herbert, of the English corvette *Icarus*, and Captain Crole, of the *Surinam* brig of war, did me the honour to call on me, and that I pointed out to them those parts of the Coast where I had reason to think illicit debarkations of Slaves had been effected, and expressed my opinion of the importance of their occasionally shewing their colours here.

(Signed)

CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.

&c. &c. &c.

(First Inclosure in No. 85.)

The British Commissary Judge to the Governor of Surinam.

MAY IT PLEASE YOUR EXCELLENCY,

Paramaribo, September 16, 1822.

ON my return home this evening, I was informed that *Beverley*, the English felon, had escaped from the Fort. Your Excellency will, I think, agree with me, that this could scarcely have happened without collusion or gross negligence somewhere, which (no doubt) Your Excellency will enquire into and punish. The object of this note is merely to ask whether there is any way (such as joining Your Excellency in offering a reward or otherwise) in which I can assist Your Excellency in his re-apprehension.

With due consideration, &c.
(Signed)

CHRIS. EDWD. LEFROY.

His Excellency Major-General de Veer.

(Second Inclosure in No. 85.)

Proclamation of the Governor of Surinam.

(Translation.)

CAUTION.

WHEREAS, the Person of *Charles Beverley* being confined in the Fortress of *Zelandia*, he contrived yesterday evening to escape out of Prison, and it being of the highest importance that this Person should again be taken into custody, all and every one are hereby duly warned not to lodge or harbour the said *Charles Beverley*, much less to help him in his further escape, but on the contrary, each and every one possessing any knowledge where the said *Charles Beverley* maintains himself, is invited immediately to communicate the same to the Magistracy here, and in case the above-mentioned escaped Prisoner should be discovered upon a plantation, thereof immediately to give notice to the Commanding Officer of the nearest established Post. All Officers, and other military men, upon the outposts, moreover being charged to look well to it, that the said *Charles Beverley* does not pass their Post, but, attempting the same, that he is there detained, such Officers and military men being further charged to make the necessary researches after the same, and upon discovering him, immediately to arrest him and send him in safe custody to *Paramaribo*.

At the time of his escape, the said *Charles Beverley* was clothed with long white trowsers, white shirt, and black waistcoat.

Description of his Person.

Height	- - - -	guessed about five feet seven or eight inches.
Figure	- - - -	rather stout and well made.
Age	- - - -	about thirty-one.
Forehead	- - - -	round.
Eyes	- - - -	black.
Eyebrows	- - - -	black and large.
Nose	- - - -	aquiline and thickish.
Mouth	- - - -	broad and shewing the teeth when speaking.
Countenance	- - - -	oval.
Colour	- - - -	red brown.

And in order that every one may have due notice hereof, We charge and command that these presents shall be published and affixed every where, where it is customary to publish and affix such notifications, and further, that it be sent round from plantation to plantation along the rivers.

(Signed) A. DE VEER.

Given at *Paramaribo*, this 17th day of
September 1822.

and, by order of His Excellency
J. C. GUICHERIT,
Government Secretary.

(Third Inclosure in No. 85.)

C. E. Lefroy, Esq. to the Governor of Barbadoes, Demerara, and Berbice.

SIR,

Paramaribo, September 19, 1822.

YOUR Excellency will see, by the three enclosures which I have the honour to transmit to you (of which two are copies of depositions taken by me, and the third the copy of a Proclama-

tion issued by the Governor of this Colony, that *Charles Beverley*, who stands charged in those depositions with the illicit introduction into this Colony of African Negroes, and is become thereby subject to the penalties of the 46th Geo. III. ch. 52; 47th Geo. III. ch. 36; and 51st Geo. III. ch. 23,) made his escape from the criminal gaol of this Colony on the evening of Monday the 16th instant. Should he presume to take shelter within Your Excellency's Government, it would be, I am sure, quite superfluous in me to add any thing to the accompanying papers to induce Your Excellency to take every proper measure for his re-capture, and should that be effected, either to deliver him back to the Authorities of this Colony, or to lodge him in safe custody, to be dealt with according to the English Abolition Laws, and to have the goodness to acquaint me with his arrest by the earliest opportunity, in order to my communicating further with Your Excellency upon the subject. In the mean time, I will beg a line from Your Excellency in acknowledgment of these present advices.

As Beverley is the first English illicit Slave-trader in this Colony against whom I have been able to obtain any decisive evidence, I am the more anxious that an example should be made of him.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

P. S. Your Excellency will, I trust, think it right to cause a copy of this Letter and its Inclosures to be forwarded to the Magistracy of the Islands, in subordinate connection with your Government, as I have no other means of communication with them than through Your Excellency.

His Excellency Major-General Sir Henry Ward, K. C. B.
&c. &c. &c.

N. B. A similar Letter was sent to the Governors of *Demerara* and *Berbice*.

No. 86.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received Nov. 20.)

MY LORD,

Surinam, September 23, 1822.

I HAVE the honour to acknowledge the receipt of your Lordship's letter, of the 11th of June 1822,* acquainting me that instructions under the Treaty with the Netherlands for the prevention of the Slave Trade, had been issued to the following of His Majesty's ships, viz.

The *Bann*, . . twenty guns, C. Phillips, Commander.
 .. *Cyrene*, . twenty guns, Percy Grace, Commander.
 .. *Driver*, . eighteen guns, Thomas Woolridge, Commander.

And that those issued to the *Pheasant*, *Myrmidon*, and *Morgiana*, would be recalled.

I have the honour to be, &c.

The Marquess of Londonderry, K. G.
&c. &c. &c.

CHRIS. EDWD. LEFROY.

* See *Sierra Leone.—(Netherlands.) No. 37.*

No. 87.

Mr. Secretary Canning to C. E. Lefroy, Esq.

SIR,

Foreign Office, September 25, 1822.

I HAVE received your Despatches of the 1st and of the 10th of May 1822, which complain of the supine conduct of the Colonial Authorities at Surinam, in regard to the suppression of the Traffick in Slaves, and which notice a late

occurrence there, in the seizure of a vessel, on suspicion of being engaged in smuggling into that Colony, Slaves recently imported from Africa.

This occurrence, it appears, had brought to light charges of a very heinous nature against *Charles Beverley*, a British subject, for being principally concerned in one, if not more, of these transactions.

In the state in which this affair was left when last you wrote, it must naturally have been terminated, before you could receive an answer from hence:— But the question which it involves is now under consideration, and I shall not fail to furnish you with such instructions thereon, as the case may warrant.

I have not delayed to forward copies of your Despatches to His Majesty's Ambassador in the Netherlands, with directions to make the strongest representations to the Netherlands Government, with a view to the issue of more decisive instructions from that Government to their Colonial Authorities, and to their cruizers, to prevent the infraction or the evasion of the solemn compacts subsisting upon this subject between the two Countries.

I am, &c.

C. E. Lefroy, Esq.

(Signed)

GEORGE CANNING.

No. 88.

Mr. Secretary Canning to J. H. Lance, Esq.

SIR,

Foreign Office, September 25, 1822.

HIS Majesty's Government having permitted you to delay repairing to your Post unto that period of the year, when an European may, without imminent danger to his health, establish himself in the climate of Surinam, I have, (that period being now arrived,) to convey to you The King's commands, that you proceed without further delay, to execute the duties of His Majesty's Commissioner of Arbitration to the Mixed British and Netherlands Commission, established at Surinam, under the Treaty between His Majesty and The King of the Netherlands, concluded at the Hague, on the 4th day of May 1818, for the prevention of the Traffick in Slaves.

I have the honour to send to you herewith the Commission, bearing date the 27th day of April 1822, by which The King was pleased to appoint you to the above-mentioned Situation.

You will show your Commission to Mr. Lefroy, and after conferring with that Gentleman, who will introduce you to the Netherlands Commissioners, and to the local Authorities, you will proceed to take the requisite oaths, in the form prescribed, and will enter upon the duties entrusted to your charge.

You will consider the instructions sent out from this Office for the guidance of your Predecessor, and Mr. Lefroy, as equally addressed to yourself:—and will make those instructions, together with the Treaty above-mentioned, and the Act of Parliament consequent upon it, the rule of your conduct.

Further instructions and directions will be forwarded to you from time to time, as circumstances may require.

I am, &c.

(Signed) GEORGE CANNING.

*His Majesty's Commissioner of Arbitration,
Surinam.*

No. 89.

C. E. Lefroy, Esq. to Joseph Planta, jun. Esq.—(Received Feb. 7, 1823.)

(Extract.)

Surinam, October 24, 1822.

FROM the very melancholy intelligence which has reached this Colony of the death of the late Marquess of Londonderry, I have to request you will lay the inclosed papers before his Successor. The information they contain, places beyond all doubt the fact of contraband importations of Africans to an indefinite extent, taking place in this Colony, up to this day, which all my importunities have failed hitherto to obtain from the local Authorities here any adequate exertion to suppress; a fact, of which I conceive a clear proof to be of some importance, because, from the Papers lately laid before Parliament, which I have had the honour to receive from you for my information and guidance, the Ministers of His Netherlands Majesty, seem to me to be much disposed to maintain strenuously a very inauspicious scepticism on that point.

Inclosed is the copy of a Deposition of Cornelius O'Sullivan, lately employed by one of the most desperate Slave Traders in this Colony, whose motive for making the disclosure he did to me, was a quarrel with his Owner, which I mention, because His Excellency the Governor-General (contrary to all English Legal and Police experience) was disposed to consider it as quite destructive of his credit, till his relation was happily confirmed by the very opportune arrival of Letters (of which the inclosed are copies) from Captain Edwin Rich, of His Majesty's sloop Bustard.

The information which I thus received I immediately communicated to the Governor, and subsequently waited upon him, with Captain Rich in person, to offer him any further information, and also any assistance which Captain Rich could give him (either by taking down to the place where he left the Slave-vessel, a party of soldiers, or otherwise) consistently with the limits of his discretion in this service. His Excellency declined any assistance from Captain Rich, but immediately sent down a party of soldiers to the spot, and has since reported to me the result of their inquiries, which is, that the vessels described by Captain Rich had disappeared before their arrival, but that, from the appearance of a Negro encampment upon the shore, there was certainly reason to fear that the Slave vessel had succeeded in disembarking her cargo, which the soldiers traced into the neighbouring bush, but that all their zeal and diligence, as also that of the chief Police Magistrate of the district, called "the Heimraad" (whom the Governor also ordered to inquire), had been unable to obtain any further information as to the Parties concerned in this transaction, or those in whose possession, custody, or power, the Negroes then were. I think it right to add, that we have had no Dutch man of war here since the beginning of last May, and that General De Veer declares his utter inability to prevent the continuance of a clandestine Slave Trade without one; and from the great length of coast which this Colony comprises, with the number of creeks distant from observation, I do not think, without active naval assistance, or the introduction of a Registry Act, similar to that in force in the British Colonies, that he could. It is true, indeed, that the Dutch men of war, stationed here during the Government of M. Vaillant, might (as far as the suppression of the Slave Trade was concerned) just as well have been away, because he never employed them in that service; but as the efficiency of such assistance depends entirely upon the Governor, by the constitution of the Dutch Colonial Governments, I am willing to hope that His present Excellency would make a better use of it.

I beg to take this opportunity of informing you, that Charles Beverley, the Slave-trader, who has been the principal subject of my late Despatches, and

who lately made his escape from confinement, has again been taken and re-committed to the criminal gaol, but, from what I can learn, it appears that all idea of proceeding against him under the Dutch Abolition Laws, is now given up. I have only further to add, that I have again since his recaption, renewed my proposal to the Governor of sending him with the witnesses for trial to an English Colony, as a subject of His Britannick Majesty, for a breach of the English Abolition Laws, which His Excellency continues to decline.

(Signed)

CHRIS. EDW. LEFROY.

Joseph Planta, jun. Esq.
 &c. &c. &c.

(First Inclosure in No. 89.)

Deposition of Cornelius O'Sullivan.

APPEARED personally before me, (Christophier Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) Cornelius O'Sullivan (sometimes called Charles Sullivan), lately serving as a Warrant Officer in His Britannick Majesty's Navy, who, being duly sworn, maketh oath and saith, that on or about the 6th day of September last he received from *Richard O'Ferrall, junior*, an inhabitant of this Colony, directions to take charge of a schooner belonging to the said Richard O'Ferrall, and proceed with her in the first place to Nickerie, and from thence to return back and beat up to windward as far as Devil's Island, in the neighbourhood of which he, this deponent, was to remain for some time, and be there governed by the directions which he would receive from a friend of the said Richard O'Ferrall, who would accompany him, this deponent, on board for the benefit of his health. And this deponent further saith, that he subsequently found the person so accompanying him on board the said schooner to be Edward O'Ferrall (the brother of the said Richard O'Ferrall, junior), who told him that he expected to meet somewhere in their course, with a brig and sloop, which would answer to this deponent's private signal of a white flag over a blue flag at the mizen, and that he, this deponent, must keep a good look out for them. And he, this deponent, upon his oath further saith, that he understood that he was to afford every assistance in his power to the said brig and sloop in the debarkation of their cargoes, or otherwise, as they might require, and carefully to avoid all other vessels. That he, this deponent did not fall in with the said brig and sloop, or either of them, as he was led to expect, but that he understood, and verily believes, the expected cargoes of the said brig and sloop, for which he was sent to look out and aid the debarkation of, were cargoes of contraband Negroes, and this deponent, on his oath, further saith, that he has reason to believe a brig belonging to Martinique, called *The Hermaphrodite*, has been for some days past, and is at present, laying off the mouth, or in the neighbourhood of the Wannylowanna creek in this Colony, with a cargo of two hundred and fifty, or three hundred and fifty, contraband Negroes, and also that a schooner left the Town of Paramaribo on the evening of Friday last, the fifth instant, with provision for the said brig, and to assist (as far as this deponent is informed and believes) in effecting a debarkation from the said brig of the said contraband Negroes.

(Signed)

CORs. O'SULLIVAN

On the 8th day of October 1822,
 the said Cornelius O'Sullivan was
 duly sworn to the truth of this
 Affidavit—Before me

(Signed) CHRIS. EDW. LEFROY,
 British Commissary Judge.

(Second Inclosure in No. 89.)

Captain Rich to C. E. Lefroy, Esq.

SIR,

*His Britannick Majesty's Sloop Bustard, at Sea, October 6, 1822,
 in Lat. 6. 6. N. Long. 54. 52. W.*

I HAVE to request you will lay the inclosed before His Excellency the Governor of Surinam, in order that he may take such measures as he may deem expedient for the discovery of the same.

I remain, Sir, &c.
 (Signed) EDWINS RICH, Commander.

Christopher E. Lefroy, Esq.

(Third Inclosure in No. 89.)

Captain Rich to C. E. Lefroy, Esq.

His Britannick Majesty's Sloop *Bustard*, at Sea, October 6, 1822.
in Lat 6. 6. N. Long. 54. 52. W.

SIR,

I BEG leave to inform you that, on the 6th instant, at 4 P. M. I spoke a brigantine, under French colours, laying at an anchor, Warrappa Creek, bearing S. by W. four or five miles, said to be from Martinique, bound to Cayenne, which, from her appearance and a schooner hovering near her, I have every reason to suppose was engaged in the illegal Traffick in Slaves, as from the state of the weather nothing could have prevented her from proceeding to her said destination.

The said vessel is long and low, with a narrow white ribbon, rigged as a brig forward, with a schooner mainmast, with a small main-topsail and top-gallant-sail, with two guns mounted; and only six or seven men appeared on deck when I passed her.

I remain, Sir, &c.

(Signed EDWINS RICH, Commander.

Christopher E. Lefroy, Esq.

No. 90.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN,

Foreign Office, October 25, 1822.

THE Despatch of Mr. Lefroy of the 2d of July 1822, addressed to the late Marquess of Londonderry, and inclosing a copy of a *Mode of Procedure* for the Mixed Court at Surinam, has been duly received.

I feel a difficulty in making observations upon this declaratory instrument, under the disadvantage of not being acquainted with the forms of process in the ordinary Courts of the Settlement, which may have influenced the judgment of the Commissioners in forming these Rules.

Under these difficulties I think it, however, right to remind you that, by the Regulations annexed to the Treaty, the proceedings are intended to be as summary as possible, and should therefore be continued *de die in diem*, under the sanction of the Judges, by minutes of the Court, recording the bringing in of instruments and proofs, and the prayers of the Parties in the simplest form: and I should hesitate to say, that the directions, as to memorials or replies, (Art. 8.)—as to the condemnation in costs, (Art. 3.)—as to the adjournments from three days to three days, (Art. 4.)—are Rules which appear the best adapted to the provisions of the Treaty.

A suggestion, similar to that in the sixteenth Article, had been already submitted for consideration by the Court at Sierra Leone; but it was deemed, on the whole, more expedient not to authorise a deduction from the proceeds of prizes, for the purposes of defraying the expences of the suit. The same principle will serve for a guide to you upon the point in question. Upon the remaining points, I have only at present to recommend to you that the spirit of these Rules should be adopted, in the way best calculated to prevent prolixity in the proceedings, or delay and expence to the Parties.

I am, &c.

(Signed) GEORGE CANNING.

The British Commissioners at Surinam.

No. 91.

C. E. Lefroy, Esq. to Earl Bathurst.—(Received February 7, 1823.)

MY LORD,

Surinam, October 28, 1822.

I HAVE had the honour to receive Your Lordship's Circular, dated August 14, 1822, signifying to me His Majesty's commands that until He should be pleased to appoint a Successor to the late Marquess of Londonderry, I should address my Despatches to Your Lordship.

Just before the receipt of Your Lordship's Letter (having previously heard of the very lamentable occurrence of the death of the noble Marquess), I had closed a Despatch to Mr. Planta, of some importance to the service in which I am engaged, containing copies of communications to me from a man of the name of *O'Sullivan*, and *Captain Edwins Rich*, of His Majesty's sloop *Bustard*, regarding an illicit debarkation of Slaves, and reporting, from conversation with the Governor, the result of an inquiry instituted by him, at my request, into the transaction.

I have now the honour to inclose to Your Lordship the copy of a Letter from His Excellency, received too late for my Despatch to Mr. Planta, which is merely a more formal communication of the result of the above inquiry, than that which His Excellency had before verbally made to me, but which, from its not being open to any doubts of mistake or inauthenticity as to information derived by me from conversation, I think it proper to put your Lordship in possession of.

I will only add that, so far from my agreeing with His Excellency in the concluding paragraph, my suspicions are entirely confirmed; and, from the circumstance of the Negro Camp, reported by his own Officer, I am convinced that a debarkation of contraband Negroes has been effected. Whether the interruption of his purposes by Captain Rich, and the apprehension of a seizure of the Negroes in consequence, by the Authorities here, induced the Master of the Slave-vessel to re-embark them, does not in the least alter the fact of which I have now put Your Lordship in possession of incontestable proof, viz. that contraband importations of Africans into this Colony, to an indefinite extent, continue to take place up to this day.

I have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.

The Right Hon. Earl Bathurst, K. G.

&c. &c. &c.

(Inclosure in No. 91.)

The Governor of Surinam to the British Commissary Judge.

(Translation.)

SIR,

Paramaribo, October 26, 1822.

IMMEDIATELY after receiving the information which you communicated to me of a vessel under French colours, lying at anchor off Warappa Creek, which you had well-founded suspicions was endeavouring clandestinely to land Slaves; I despatched to the above Creek an Officer attached to the company of Colonial guides, with a party of troops, directing him to set on foot there the needful inquiry.

Accordingly, in consequence of the arrangement I had previously concerted with you, I now have the honour of acquainting you that I have received from the Officer charged with the Mission a report stating, "that on his arrival at Warappa Creek he took every means to procure the necessary information, though without success, as he could not discover any particulars bearing on the subject, or trace any vessel whatsoever, but that, on proceeding with his party along

“ the beach, he came to a spot where some wood was still left burning, and several fragments of sea-biscuits scattered on the ground, while he was able to distinguish the footsteps of a number of persons walking barefoot, which marks having followed to some distance he at length lost, owing to the hardness of the ground, without being able to trace them further on; whereupon the Officer tried to procure intelligence from the Overseers of several Plantations: being again disappointed, it struck him that Negroes would be the most likely persons to hear of any fresh importation of their countrymen, and, acting on that presumption, he desired his men to seek privately to converse on the subject with the blacks employed in the Plantations. By these means he learned that a schooner which had been at anchor off the coast, had taken on board Negroes from a brig, had set them on shore in the vicinity of the very spot noticed by the Lieutenant, and had sent some of them to the Plantations of Goosen, and others to that of Esterslust.”

This report I lost no time in transmitting to the Councillor, Commissioner of the Court of Police, and Colonial Justice, who is also invested with the Office of Inspector of the Dykes for the division of Matappica, requesting that he would order the Captain of that division to institute the strictest investigation into the matter, and also to cause the Negroes suspected to have been landed there to be apprehended and conveyed hither. The Captain in question sent two of his Lieutenants with their non-commissioned Officers to the Plantations of Goosen and Esterslust, enjoining them to satisfy themselves on the spot, whether, during the months of September and October, any fresh Negroes had been brought thither, and, if so, to seize them forthwith.

The result of the investigation was forwarded by the Captain of the division to the Inspector of the Dykes, and by him to me. It is to this effect, that in the plantations referred to; not only no trace of any new comers could be found, but that the Overseers declared that so far from receiving any fresh Negroes, said to have lately arrived, they had not so much as seen any.

It affords me pleasure, Sir, that the suspicion which you entertained has not been verified by the fact, as I now am also justified in withholding my belief from that portion of the Report transmitted by the Lieutenant, which relates to the information given by the Negroes of the Plantations. Indeed, Sir, you yourself cannot but have had frequent occasion to observe that the intelligence obtained from persons of that description carries very little weight with it.

I have the honour, &c.

C. E. Lefroy, Esq.

(Signed)

A. DE VBER.

No. 92:

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN,

Foreign Office, November 1, 1822.

I LEARN by a communication from the Ambassador of The King of the Netherlands at this Court, that the Netherlands corvette *de Eendragt* (the Concord) of one hundred and fifty men and eighteen guns, Captain-Lieutenant *Schröder*, about to sail for the West Indies, will be furnished with a copy of the Treaty of the 4th May 1818, for repressing the Trade in Slaves, and of the several Documents thereunto annexed.

You will be so good as to communicate this information to the Board, of which you are Members.

I am, &c.

(Signed)

GEORGE CANNING.

The British Commissioners, Surinam.

No. 93.

Mr. Secretary Canning to C. E. Lefroy, Esq.

SIR,

Foreign Office, November 6, 1822.

I HAVE received your Letter of the 22d of August 1822, addressed to the late Marquess of Londonderry, and I have laid the same before The King:

I am to convey to you His Majesty's gracious permission for you to come

to England, on the ground of ill-health, for the space of six months; the period of your voyage to and from Surinam not being included in that time.

You will not fail to make due and sufficient notification of your intended absence, both to the Board of which you are a Member, and also to the local Authorities of Surinam.

I am, &c.

(Signed)

GEORGE CANNING.

C. E. Lefroy, Esq.

No. 94.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN,

Foreign Office, November 12, 1822.

IN reference to that part of the Despatch of Mr. Lefroy, dated the 10th of May, 1822, in which Mr. Lefroy requests instructions for his further guidance, in cases similar to that of *Charles Beverley*, who was accused of smuggling Slaves into the Colony of Surinam; I have to make to you the following Observations, for the direction of your conduct.

The demand conveyed in Mr. Lefroy's Letter of the 4th of May, 1822, addressed to the Fiscal at Paramaribo, extended far beyond the purport of the Note of Lord Clancarty of the 26th of February, 1821.

The Note of Lord Clancarty related only to cases established in proof on the authorized proceedings of the Commission. The case in question was of a nature to which the judicial duties of Mr. Lefroy did not extend; and the demand made could not be supported, as to an offence committed against the Laws of the Colony.

In cases similar to that in question, you will be careful to limit your interference to the communicating information to the local Authorities, with a request, made, as it were, extra-officially, that the Laws of the Colony may be enforced against the Offenders. You will bear in mind that your functions as Judges and Arbitrators are limited to the jurisdiction specially established by Treaty, and that while you are properly and jealously alive to any infractions of the Treaty, there will be danger of publick inconvenience, if you should make your functions obnoxious to the local Authorities by allowing your attention to be diverted to objects that do not properly belong to you.

I am, &c.

(Signed)

GEORGE CANNING.

The British Commissioners, Surinam.

No. 95.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN,

Foreign Office, November 26, 1822.

I HAVE received Mr. Lefroy's Despatch of the 20th of September 1822, addressed to the late Marquess of Londonderry.

With respect to that portion of it, which relates to *Charles Beverley*, accused of being concerned in illicit Slave-dealing; I have at present only to refer you to my Despatches of the 25th of September last, and of the 12th instant, upon this subject.

In reference to the subject of the latter part of Mr. Lefroy's Despatch, I have to recommend you upon all occasions to keep strictly within the bounds of the Treaty, and of the Act of Parliament, which you are called upon to execute, lest the weight of your opinion, officially expressed, should lead to acts which His Majesty's Government might feel themselves called upon to disavow.

I am, &c.

(Signed) GEORGE CANNING.

The British Commissioners, Surinam.

No. 96.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN,

Foreign Office, November 26, 1822.

I SEND to you, for your information and guidance, the copy of a Despatch, addressed on the 22d of February 1822, by The King's command, to His Majesty's Ambassador at the Hague; proposing, that the provisions of the Treaty of the 4th of May 1818, for the case of the death of one or more of the Commissioners, shall extend to the case of vacancies occurring in the Commission from illness, or leave of absence. 2dly, the copy of a Despatch, dated the 10th of May 1822, from His Majesty's Minister at the Hague, and of its Inclosure, stating the acquiescence of The King of the Netherlands in this proposition. And 3dly, the copy of an Instruction, which I addressed on the 30th of September 1822, by The King's command, to His Majesty's Ambassador at Brussels, inclosing the *Projet* of an additional Article for sanctioning in a more formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in forwarding the same to you. In the meantime you will endeavour to come to an agreement with your fellow Commissioners to act in the spirit of the intended arrangement.

I am, &c.

(Signed)

GEORGE CANNING.

The British Commissioners, Surinam.

No. 97.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received April 27, 1823.)

SIR,

Surinam, December 4, 1822.

I HAVE the honour to acknowledge the receipt of your Letter of the 16th of September 1822, accompanied by one of the same date from The Right Honourable Earl Bathurst, acquainting me that His Majesty had been graciously pleased to appoint you to be His Principal Secretary of State for Foreign Affairs, and instructing me in future to address to you my Despatches and Letters on publick business.

I have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.

The Right Hon. George Canning,

&c.

&c.

&c.

No. 98.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 6, 1823.)

SIR,

Surinam, December 23, 1822.

I HAVE the honour to submit to you, inclosed, copy of a Letter just received from the Governor of Berbice, relating to a debarkation of five hundred Africans in this Colony, so late as last month, and of one addressed by me to the Governor of this Colony; but I have little hope of any efficient steps being taken in consequence. It is painful to me to be obliged to continue to impugn the Authorities here, at a period so long since the execution of the Treaty, but I should be trifling with you, Sir, and His Majesty's Government, if I did not repeat my conviction that, without much more energetick conduct on the part of those Authorities, the Slave Trade in this Colony will never be overcome.

I beg to acknowledge the receipt of your Despatch of the 25th September, and have the honour to be, &c.

(Signed)

CHRIS. EDW. LEFROY.

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

*(First Inclosure in No. 98.)**The Governor of Berbice to C. E. Lefroy, Esq.*

SIR,

King's House, Berbice, December 6, 1822.

I HAD the honour of receiving your Letter of the 21st of November, conveying to me the satisfactory intelligence of the retaking of *Charles Beverley*, charged with Slave-trading.

I greatly lament to hear of the open and extensive manner in which the Slave Trade is still carried on upon the Coast of Surinam. I am informed by Captain Boyd, of the American schooner *Olive Branch*, which arrived here the 19th of November last, that his vessel was detained two days and a half by a large ship, with about five hundred new African Negroes on board, about twenty miles to windward of Bram's Point, and that he himself was compelled to go on board of the ship, when he was detained the whole of the above-mentioned time, and his boat employed in landing the Negroes, after which he was handsomely rewarded by the Captain of the ship, and suffered to proceed on his voyage.

This is the most flagrant case I have yet heard of, and I hope that the circumstances of it have come to your knowledge.

I have the honour to be, &c.

(Signed)

HENRY BEARD,
Lieutenant-Governor of Berbice,*Christopher Edward Lefroy, Esq.**(Second Inclosure in No. 98.)**The British Commissary Judge to the Governor of Surinam.*

SIR,

Paramaribo, December 23, 1822.

THE inclosed is the copy of a Letter just received from the Governor of Berbice, which I lose not a moment in submitting to Your Excellency, in order that, by taking the proper steps (which no doubt you will) for the detection and punishment of the Parties concerned, you may satisfactorily vindicate this Colony and your Country from the imputations of bad faith, and utter indifference to all the prospective interests of the great family of man, to which the continuance of the transactions described in the inclosed must expose them in the eyes of all Europe.

The Slave-vessel is probably that to which Your Excellency some time since refused admittance into this river.

I shall send a copy of the inclosed by the first opportunity to my own Government; and likewise request the Governor of Berbice to endeavour to procure for me such further particulars from Cap-

tain Boyd as may assist Your Excellency in the conviction of the atrocious scoundrels who thus persist in provoking the indignation, and defying the retributive justice, of their species and of God.

I have the honour, &c.

(Signed) CHRIS. EDW. LEFROY.

*His Excellency Major General De Veer,
Governor General.*

No. 99.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

(Extract.)

Foreign Office, December 27, 1822.

MR. LEFROY'S Despatches up to the 23d September 1822, have been duly received.

His Majesty's Ambassador at the Court of The King of the Netherlands has been instructed, to request an explanation of the conduct of the Fiscal, in restoring to the Consignee the Negroes brought into Surinam by *Charles Beverley*, and to require that the Negroes may, (if not restored to liberty,) at least be taken into His Netherlands Majesty's service, till the matter of their legal importation be decided.

His Majesty's Ambassador has likewise been instructed to express a desire, that inquiries may be instituted, as to whether the escape of Beverley was favoured by any Persons in the employment of the Local Government, and whether any other British subject besides Beverley was concerned in the importation of Slaves, with which that Person was charged.

His Majesty's Government have perceived, with some satisfaction, that, amid Mr. Lefroy's representations of the supineness of the Colonial Authorities, there does not appear in his Despatch of September 20, 1822, or in the papers accompanying it, any suggestion that an importation of Slaves had actually occurred in Surinam, subsequent to the month of June 1821, and, except in respect to the omission of any offer of a reward for the apprehension of Beverley, the Governor's Proclamation, issued the day after his escape, appears to be sincerely framed with a view to the object of Beverley's recapture.

The establishment of a Registry for Slaves in the Colonies has been suggested to the Netherlands Government, as a measure well-calculated to prevent their future importation; and His Majesty's Government hope, that the adoption of it may be found to be compatible with the policy and Regulations of the Netherlands Government at Surinam.

(Signed) GEORGE CANNING.

The British Commissioners, Surinam.

No. 100.

C.E. Lefroy, Esq. to Joseph Planta, jun. Esq.—(Received March 27, 1823.)

SIR,

Surinam, January 14, 1823.

I HAD yesterday the honour to receive your Circular of the 10th of September last, with the accompanying copies of an humble Address which was presented to His Majesty, pursuant to a Resolution of the House of Commons

of the 27th of June 1822, upon the subject of the Traffick in Slaves, for my information and guidance on occasions when that subject may come under my notice.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

Joseph Planta, jun. Esq.
 &c. &c. &c.

No. 101.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 27.)

SIR,

Surinam, January 20, 1823.

I HAVE the honour to acknowledge the receipt of your two Despatches dated the 26th of November 1822, (the latter accompanied by copies of a Correspondence which has taken place with the Dutch Government, on a proposed extension of the Article of the Treaty for supplying vacancies in the Commission in case of death, to vacancies from illness or leave of absence,) and I shall take care to conform to the instructions which they severally contain.

Your Despatch of the 12th of November, referred to in the former of the two, which I have now the honour to acknowledge, has not yet come to hand.

I have the pleasure to announce to you, that Mr. Lance arrived here on the 6th instant, but was shortly after taken ill, which has hitherto prevented him from being sworn in, and is the reason of his not signing this Despatch. I am, however, happy to say, that he is now in a state of convalescence.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

The Right Hon. George Canning.
 &c. &c. &c.

No. 102.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 17.)

SIR,

Surinam, January 25, 1823.

I HAVE the honour to acknowledge the receipt of your Despatch of the 12th of November last, and I will be careful in future to govern my general official intercourse with the Local Authorities, by the limits and directions therein prescribed.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

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

No. 103.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 17.)

SIR,

Surinam, January 25, 1823.

I HAVE the honour to acknowledge the receipt of your Letter of the 6th of November, conveying to me His Majesty's gracious permission for me to come to England on the ground of ill-health, for the space of six months, exclusive of the voyage backwards and forwards, and I hope, Sir, I am not unpardonably trespassing upon official formality in simply expressing, from the bottom of my heart, my gratitude for this indulgence, it being nothing less to me than a reprieve from death, or what is ten times worse, constitutional ruin.

I propose to leave this Colony about the end of April, or beginning of May, and will not fail to give due notification of my temporary departure to the Local Authorities, and the Board of which I am a member.

I have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.

*The Right Hon. George Canning,
&c. &c. &c.*

No. 104.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received March 17.)

SIR,

Surinam, January 27, 1823.

I HAVE the honour to inform you that I arrived here on the 7th instant. In obedience to your commands I waited on Mr. Lefroy, and shewed him my Commission; I was introduced by him to the Netherland Commissioners, and to the Governor, before whom I this day took the requisite oaths, in the form prescribed; and I am now prepared to act in the discharge of my duties as Commissioner of Arbitration, on the occurrence of any case by which they may be called into exercise.

I have the honour to be, &c.

(Signed)

J. H. LANCE.

*The Right Hon. George Canning,
&c. &c. &c.*