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BAHAMAS (WRECKS).

COPY OF EXTRACTS OF DESPATCHES from the Governor of the *Bahamas* relating to the WRECK of a SLAVER off the Island of *Abaco*, with COPY OF EXTRACTS OF DESPATCHES relating to the WRECK of a SLAVER off the *Mucaras Shoal*, in which Complaints were made of the Violation of British Territory by American or Spanish Slave Traders.

Colonial Office, }
August 1861. }

C. FORTESCUE.

(PRESENTED TO PARLIAMENT BY HER MAJESTY'S COMMAND.)

Ordered, by The House of Commons, to be Printed,
6 August 1861.

SCHEDULE.

DESPATCHES FROM THE GOVERNOR.

No. in Series.	Number and Date.	SUBJECT.	Page.
1.	28 July 1860 - (No. 79.)	Reporting the arrival of three wrecking vessels from Abaco, having on board 360 Africans, taken from a slaver which had been wrecked on that Island on her voyage from Rio Congo to Cuba. Requests instructions as to the amount of Compensation which Her Majesty's Government propose to award to the Salvors - - - - -	3
2.	22 August 1860 (No. 82.)	Communicating the proceedings adopted for the distribution of the Africans, and recommending for the favourable consideration of the Lords of the Treasury the Masters and Crews of the three wrecking vessels - - -	3
3.	23 August 1860 (No. 83.)	Soliciting advice as regards the Europeans who were wrecked with the Africans off Abaco, and who are awaiting Trial - - - - -	7
4.	24 August 1860 (No. 85.)	Reporting the enlistment of 22 of the recently wrecked Africans into the 1st West India Regiment - - - - -	8
5.	21 November 1860 (No. 113.)	Transmitting Copies of Depositions taken before the Police Magistrate, relative to the wreck of the slaves and slave ship off Abaco - - -	8
6.	22 December 1860 (No. 119.)	Reporting the wreck, on the Mucarras Shoal, old Bahama Channel, of a slaver with 500 slaves, who were landed at Lobos Cay, and that a body of troops, 1st West India Regiment, were sent to liberate the slaves, and capture those engaged in the trade, also, from subsequent information received, of their having been taken to Cuba in a brig which was dispatched for them - -	12
7.	6 May 1861 - (No. 45.)	States the scale of remuneration granted to the several persons engaged in rescuing the Africans wrecked off Lanyard's Cay, in July 1860 - -	15

DESPATCHES FROM THE SECRETARY OF STATE.

1.	29 September 1860 - (No. 108.)	In reply to Governor's Despatches, Nos. 82, 83, and 85 of the 22d, 23d, and 24th August, reporting the proceedings which he had adopted in consequence of the wreck of the slaver on 25th July. Encloses copies of a Correspondence with the Foreign Office, and also a Report from the Registrar of the High Court of Admiralty. Transmits, also, copy of a Despatch addressed by the Earl of Derby (then Mr. Stanley) to the Governor of Jamaica, with general remarks as to the disposal of the rescued Negroes -	16
2.	23 October 1860 (No. 111.)	Transmits, for information and guidance, further Report from the Registrar of the High Court of Admiralty, and conveys the approval of Her Majesty's Government of the Governor's judgment and promptitude with which he acted in the disposal of the Africans taken from the slaver wrecked on the Island of Abaco - - - - -	20
3.	12 February 1861 (No. 133.)	Transmits letter from the Lords Commissioners of Her Majesty's Treasury, accompanied by a Report from Mr. Rothery, on the subject of the remuneration which should be granted to Ridley Pinder and others for services rendered by them to the wrecked Africans - - - - -	27
4.	13 July 1861 - (No. 167.)	States that the Lords Commissioners of the Treasury have no objection to the manner in which the Governor had remunerated the several persons engaged in rescuing the Africans - - - - -	30

COPY or EXTRACTS of DESPATCHES from the Governor of the *Bahamas* relating to the WRECK of a SLAVER off the Island of *Abaco*, with COPY or EXTRACTS of DESPATCHES relating to the WRECK of a SLAVER off the *Mucarac Shoal*, in which Complaints were made of the Violation of British Territory by American or Spanish Slave Traders.

Despatches from the Governor.

— No. 1. —

(No. 79).

COPY of a DESPATCH from Governor *Bayley* to His Grace the Duke of *Newcastle*.

Nassau, Bahamas, New Providence,
28 July 1860.

No. 1.
Governor Bayley
to the Duke of
Newcastle.
28 July 1860.

My Lord Duke,

(Received 15 August 1860.)

OUR mail steamer leaves this port to-day for New York. I have only time to apprise your Grace, that this morning three wrecking vessels arrived from *Abaco*, having on board 360 Africans taken from a slaver, which had been wrecked on that island, on her voyage from *Rio Congo* to *Cuba*. Three white men are also on board, who assert that they were passengers, and that the captain committed suicide. But it is suspected that one of them was himself the master of the wrecked vessel. I am now engaged in directing preparations for clothing and housing the Africans, and prosecuting the white men, who seem to be Portuguese.

2. Most of the Africans are very young; a great many of them children; and hardly any above twenty-five years of age. Females constitute one-fourth of the whole number.

I have, &c.
(signed) *C. J. Bayley*, Governor.

P. S.—I shall feel obliged by receiving instructions from your Grace, as to the amount of compensation which Her Majesty's Government intend to award to the salvors in this case.

C. J. B.

— No. 2. —

(No. 82.)

COPY of a DESPATCH from Governor *Bayley* to His Grace the Duke of *Newcastle*.

Nassau, Bahamas, New Providence,
22 August 1860.

(Received 17 September 1860.)

My Lord Duke,

(Answered (No. 108) 29 September 1860, page 16.)

I do myself the honour of communicating to your Grace the proceedings which I have adopted for the disposal of the Africans, whose deliverance from shipwreck and arrival in this port were announced in my Despatch, No. 79 of the 28th July.

2. The slaver which was freighted with them was, on 25th July, wrecked on *Lanyard's Cay*, off the coast of *Abaco*, in latitude 26° 21' as nearly as I can define.

define. The wreck took place so near the land, that, with the exception of three or four, all the negroes were safely disembarked by the agency of spars extended from the ship to the shore. Their number was 389; and they were brought into the harbour of Nassau in three wreckers of the place; viz., the "Expeditious," "Try," and "Spy," respectively commanded by Octavius Dorsett, T. Russell, and H. Russell. I lost no time in dispatching these involuntary immigrants to the quarantine station at Athol Island, a distance of about four miles from Nassau. There I placed them under the immediate control of the quarantine officer (subject to the superintendence of the permanent immigration officer, Mr. Pinder), and provided for them food, blankets, and clothing, as well as cooks, nurses, and interpreters belonging to their own race, the Congo. The voyage from Africa had not lasted more than 36 days; but the close confinement which they had undergone on board of a schooner of less than 200 tons had much weakened them, and most of them were suffering great debility, and some of them dysentery and the itch. The health officer, by my directions, attended the quarantine station every day, and vaccinated the whole party. They were also regularly washed, and took such medicine as was compatible with the strength of their constitutions. The bracing air of Athol Island, and a sufficiency of wholesome food, quickly produced their natural effects. I twice visited them while they remained at the station, and (although four boys died) the great improvement in their general condition induced me to recall them to Nassau after an absence of 10 days. On their return, I placed them in the barracks attached to Fort Charlotte, which had been obligingly placed at my orders by Lieutenant Colonel Bouchier.

3. During their sojourn at Athol Island, the question of their ultimate disposal had occupied my thoughts; and I finally resolved to distribute them as servants and apprentices for periods of two and four years among the inhabitants. No alternative to this seemed open to me, except that of sending them back to Africa: a course which I considered to be equally objectionable on grounds of policy, economy, and humanity. I took occasion to notify by a public advertisement, of which I enclose a copy marked (A.), the determination which I had formed. The consequence was that I received many remonstrances against the shortness of the term which I had proposed for the apprenticeship. It was objected to my plan that two years would barely suffice to teach the Africans the English language, the habits of civilized life, the duties of domestic service, or the rudiments of mechanical arts; and that their employers would be losers if, after feeding and clothing them for two or three years, they were liable to be deprived of their services just as the Africans were beginning to become useful. I attached some importance to these objections, knowing as I did the difficulty of procuring good servants, and of making good workmen; I thought that the interests of the Colony and of the negroes themselves would alike be promoted by a system, which, if it retained the elder Africans in unremunerated service two years longer, and the younger ones three or four years longer, would qualify both for earning higher wages when that preliminary service was at an end, and would give the Colony a larger choice of skilled workmen. And I reserved to myself the right and the responsibility of distributing the Africans among those persons whom I thought best entitled by their means and their character to humanize and protect them, and in those localities where I thought the employment of new hands would be of the greatest public benefit.

4. Actuated by these considerations, I extended the period of engagement to five or six years for adults and children respectively, and notified this extension by the advertisement, of which a copy marked (B.) is herewith enclosed. I should observe that on their arrival at Athol Island, the adult males numbered 96, the adult females 37; of the former the oldest did not exceed 35 or 36 years; and of the latter, 30 years of age. The minors comprehended all ages from six years up to 20, and amounted to 256. I made diligent inquiries whether any of them were connected by ties of consanguinity. But I failed to discover that, with the exception of five or six cases, any relationship existed among them.

5. Before I began the distribution, I heard that several of the Creole negroes in the lower ranks of life had expressed their intention of taking "some of these niggers" as servants. In order to guard against a contingency which would at
the

WRECKS AT THE BAHAMAS.

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the same time foster the reckless idleness of our own lower orders, and subject the newly arrived negroes to great privation, I determined to exact a preliminary fee of 1 *l.* for every African assigned. This was intimated in the notice marked (C.), and had the desired effect. The persons in whose favour the allotments were made, are all of them, so far as I have been able to ascertain, of competent means and kindly disposition. And in the articles of agreement and the indentures into which I entered with them, I have taken care to incorporate the conditions on which my public notices of the 1st and 4th August had insisted. And I impressed the purport of these conditions on the public mind by an official notice after the first distributed, of which I transmit a copy marked (D.)

6. There were three distinct distributions of the Africans at Fort Charlotte. The applications for assignments were, in proportion to the number of those who were to be assigned, nearly as two to one. I consequently had to incur some obloquy in selecting from the different competitors, who, on their part, exhibited some caprice in the rejection of those allotted to them; this necessitated redistributions, which caused some delay. One consequence of this delay was that, before the distribution was completed, Congo men and women, already settled in the island, found means of communicating with their compatriots, and succeeded in dissuading the greater portion of the female adults and the elder girls from allowing themselves to be assigned to any one. Ultimately, of the 383, the whole number which survived the effects of confinement, privation, and disease, all were assigned to residents of Nassau and the out-islands in the following proportions, viz. :—

	Male Adults.	Female Adults.	Children.
Nassau - - - - -	38	29	188
Out-islands - - - - -	56	3	61
Sent sick to hospital - - -	1	4	3
TOTAL - - -	95	36	252

7. Of those who have gone to the out-islands, about 30 altogether have proceeded to the Salt Ponds, the remainder to fruit plantations and domestic service. Of those indentured in Nassau, a reasonable portion have been bound to joiners, carpenters, boat-builders, and blacksmiths.

8. I cherish the impression that one effect of this experiment will be to create in the people a desire for free immigration; from the Legislature, a disposition to vote a subsidy for supplying it.

9. I shall have expended on these Africans altogether a sum not exceeding 550 *l.*; of this amount, 380 *l.* will be defrayed out of the fees paid by the public for the apprentices. I trust that your Grace will approve of my drawing on the Commissariat Officer for the balance, which will not exceed 170 *l.*, according to the calculations which I have formed.

10. In conclusion, I have to recommend for the favourable consideration of the Lords of the Treasury, the masters and crews of the three wrecking vessels which brought the negroes from Lanyard's Cay to Nassau. I also desire to bring under your Grace's notice the conduct of Ridley Pinder, the owner of a wrecking vessel, who refused 40,000 dollars which were offered him by the supposed captain of the slaver, Alexander Smith, if he would take the latter to one of the cays of Cuba. Probably, Pinder would not have been paid the bribe; still the offer was a tempting one, and was, I believe, rejected on good principles. The consequence of his refusal is, that Smith is now in Nassau gaol, awaiting his trial. I believe Her Majesty's Government have established a tariff of prize money for those who have captured negroes off the African coast; I beg leave respectfully to express my hope that your Grace will consider it right to apply its provisions in the most liberal spirit to the men who brought the crews and cargoes

cargoes of this slaver to Nassau. I would also add the expression of my hope, that the measures which I have extemporized, under circumstances at once extraordinary and unexpected, will meet with your Grace's approval.

I have, &c.
(signed) *C. J. Bayley.*

Enclosures in No. 2.

(A.)

PUBLIC NOTICE.

Encls. in No. 2.

THE Africans who were saved from the wrecked slave-ship off Abaco, will be brought to Fort Charlotte Barracks, and distributed on Wednesday and Thursday, the 8th and 9th instant, as apprentices or servants and labourers, among such applicants as may be approved by the Governor, and will subscribe to a formal agreement with the Government, involving the under-mentioned conditions:

All persons taking any of these Africans into their employment must, on the assignment of the latter, repay to the appointed officer, the amount of money expended by Government, for the purchase of their clothing.

Those who engage children under 13 years of age, must undertake to provide sufficient food and clothing for them, to treat them kindly, and, after they have attained their sixteenth year, to pay them the ordinary current wages of the place.

They must also undertake to send them regularly to a Sunday-school.

Those who engage Africans above the age of 15, must undertake to give them wages after two years' service, at and after a rate to be embodied in the Articles of Agreement.

Those ladies who take young girls into their service, must undertake not to discharge them from service, until they have found other situations for them, except in cases where the girls have exhibited very great misconduct, or have declared their wish to obtain new situations before the police magistrate.

Written applications for the engagement of these Africans will be received until 11 A.M., on Saturday, the 4th instant, at the office of the Colonial Secretary, and successful applicants will receive their tickets on the following Tuesday and Wednesday at the same place.

(By his Excellency's command.)

Colonial Secretary's Office, Nassau,
1 August 1860.

A. J. Thompson,
Acting Colonial Secretary.

(B.)

PUBLIC NOTICE.

THE terms of the Government notice which was published on the 1st August, for regulating the distribution of liberated Africans, which will take place on Wednesday and Thursday next, are modified in the following respects:—

Those who engage children not above 14 years of age, will be allowed to retain them in their employment for a period of six years, without paying them any wages; but, binding themselves to treat them kindly, to provide them with sufficient food and clothing, and to give them every facility for receiving sound religious instruction in Sunday-schools, &c.

Those who engage Africans over 14 years of age, will be expected to pay the latter the current wages usually paid to servants, or mechanics of similar proficiency, or capacity, after the service of five years, binding themselves also to give them every opportunity and facility for receiving instruction.

The period for receiving applications is now extended to Monday, the 6th inst., until 2 p.m.

Colonial Secretary's Office, Nassau,
4 August 1860.

(signed) *A. J. Thompson,*
Acting Colonial Secretary.

WRECKS AT THE BAHAMAS.

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(C.)

PUBLIC NOTICE.

THE depôt of liberated Africans at Fort Charlotte will be under the superintendance of Mr. Biggs.

Colonial Secretary's Office, Nassau,
4 August 1860.

(signed) *A. J. Thompson,*
Acting Colonial Secretary.

GOVERNMENT NOTICE.

THE Governor has been pleased to appoint Messrs. Biggs, Dalzell, and Nathaniel Webb, to be agents for the distribution of liberated Africans, at the Fort Charlotte Barracks, on the 8th and 9th instant.

The Acting Colonial Secretary will receive the fee of one pound for every African over six years of age, assigned to successful applicants, who will receive their respective pass-tickets at the Colonial Secretary's Office, on Tuesday, the 7th instant, between the hours of ten and two.

Colonial Secretary's Office, Nassau,
4 August 1860.

(signed) *A. J. Thompson,*
Acting Colonial Secretary.

(D.)

GOVERNMENT NOTICE.

THE distribution of Africans which has taken place this day will owe its permanent validity solely to the approval of Her Majesty's Government.

Therefore, it cannot be too generally known, or too distinctly remembered, that the assignments thus made will be nullified by any infringement of the stipulations, upon which the contract between the Government and the employers of the Africans is based. If conduct on the part of these employers disclosing gross neglect, undue harshness, or cruelty, be proved to the satisfaction of the Governor, His Excellency, as Chancellor of the Colony, will consider himself bound to cancel the agreements; and to hold the Africans at the disposal of the Imperial Government. His Excellency therefore hopes that all those to whom Africans have been allotted, will use their best efforts to give effect to the stipulations under which the assignment was made, and thus justify the principle on which the Local Government has acted, under circumstances both unusual, and unprovided for.

Colonial Secretary's Office, Nassau,
8 August 1860.

(signed) *A. J. Thompson,*
Acting Colonial Secretary.

— No. 3. —

(No. 83.)

COPY of a DESPATCH from Governor *Bayley* to His Grace the Duke of *Newcastle*.

Nassau, Bahamas, New Providence,
23 August 1860.

(Received 17 September 1860.)

My Lord Duke, (Answered (No. 108) 29 September 1860, page 18.)

ALREADY, in my Despatch (No. 82 *), I have apprised your Grace of the measures which I have taken for distributing the liberated Africans wrecked off Abaco; and I trust that they will meet with your Grace's approval.

2. I now proceed to solicit your Grace's instructions respecting the Europeans who were wrecked simultaneously with the Africans and brought into this port, and who are now in Nassau gaol, awaiting their trial at the October sittings of the court. Their names are, François Borellier, José Goyté, Alphonso Fernandez, Joachim Herrar, Baptiste Pla, Henry Silver, John Brown, and Alexander Smith.

3. The first seven of these came along with the negroes. Smith remained on the Cay, whence he was brought down by policemen, whom I dispatched with a warrant to arrest him, and who apprehended him just as he was leaving in a vessel for the United States.

539.

4. It

No. 3.
Governor Bayley
to the Duke of
Newcastle.
23 August 1860.

• Page 3.

4. It is not improbable that Smith and Brown are Englishmen. If that be admitted, the Court will have no difficulty in dealing with them; but if they be Americans, it may be doubtful whether our Courts have any jurisdiction over them and the other foreigners, who, it is true, were carrying on the slave trade, but whose presence in our seas while engaged in this traffic, was the result solely of accident or of *force majeure*. The Chief Justice seems to entertain grave doubts on the question, and has asked me to refer it to your Grace for submission to the law advisers of the Crown.

The question is this: when an American vessel, having a cargo of slaves on board from Africa, is, by stress of weather or other unavoidable circumstance, cast ashore on any island of the Colony and lost, the slaves effecting their escape, can American citizens, employed in the navigation of such a vessel, be tried and punished according to British law in a British court, upon the principle that they must have passed through British waters to be cast on British ground, and therefore must be considered as having carried on the slave trade in British territory? Or is there any other reason or principle by which they can be brought within the scope of a British statute?

5. It is barely possible that an answer to these queries can be received by the 20th October, about which time the prisoners will be tried. Still, it would be desirable to have an authoritative opinion on the points at issue as soon after that time as is possible; for objections to the jurisdiction of the Court may be pleaded in bar, and these may be reserved after the verdict for the consideration of the judges, whose ultimate decision will be guided by the authority of the legal advisers of the Crown. I would, therefore, respectfully solicit your Grace's aid to obtain as early a solution of the doubts to which this question has given rise as may be consistent with the convenience of the law officers to whom it will be referred.

I have, &c.
(signed) C. J. Bayley.

— No. 4. —

(No. 85.)

COPY of a DESPATCH from Governor *Bayley* to His Grace the Duke of *Newcastle*.

Nassau, Bahamas, New Providence,
24 August 1860.

(Received 17 September 1860.)

My Lord Duke,

(Answered (No. 108) 29 September 1860, p. 16.)

* Page 3.

I HASTEN to repair an inadvertent omission in my Despatch (No. 82),* respecting my disposal of the recently wrecked Africans.

2. I ought to have stated that, before the general distribution at the depôt, I gave the officer commanding the First West India Regiment the option of recruiting to the extent of 25 men.

3. An officer of the regiment accordingly proceeded to Athol Island, and selected 22 men (principally adults) for enlistment, who are now in the military hospital.

I have, &c.
(signed) C. J. Bayley.

— No. 5. —

(No. 113.)

COPY of a DESPATCH from Governor *Bayley* to His Grace the Duke of *Newcastle*.

Nassau, Bahamas, New Providence,
21 November 1860.

(Received 18 December 1860.)

My Lord Duke,

* Page 20.

IN reference to the Report of the Registrar of the High Court of Admiralty, contained in Mr. Fortescue's Despatch (No. 111*), I have now the honour to transmit the depositions taken before the police magistrate respecting the wreck of the slaves and crew of the slave ship lost off Abaco.

2. The

No. 4.
Governor Bayley
to the Duke of
Newcastle.
24 August 1860.

No. 5.
Governor Bayley
to the Duke of
Newcastle.
21 Nov. 1860.

WRECKS AT THE BAHAMAS.

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2. The slave-ship itself was a total wreck.

3. I ought to observe that the usual mode of distributing salvage here is to give one-third to the owners, and two-thirds to the crew of the vessel which has earned it.

I have, &c.
(signed) *C. J. Bayley*, Governor.

Enclosure in No. 5.

Bahamas, New Providence.

THE examination of Daniel Russell, mate of the schooner "Expeditious," taken on oath this 4th day of August, in the year of our Lord 1860, before the undersigned, police magistrate in and for the said Island of New Providence, and one of Her Majesty's justices of the peace for the said Bahama Islands, in the presence and hearing of Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner Francois Barrallier, Antonio José, Jose Goyti, Joaquine Herrera, and Juan Baptiste Pla, who stand charged before me the said magistrate, for that they the said Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, José Goyti, Joaquine Herrera, and Juan Baptiste Pla, on the 25th day of July, in the year of our Lord 1860, in the parish of St. Peter's, at Lanyard's Key, within the Bahama Islands, were knowingly, unlawfully, and feloniously engaged in the slave trade on the 25th day of July 1860, with aiding and assisting in the removal, conveyance, and importation of certain persons, Africans by birth, to the number of 300 and upwards, as and in order to their being dealt with as slaves from some port or place without the limits of the Bahama Islands to Lanyard's Key, within the said islands, for the purpose of being thence carried and conveyed to the Island of Cuba, and there sold, disposed of, held, and detained as slaves; and the said Daniel Russell, on oath, saith as follows: I saw Francois Barrallier, Eldelphonso Fernandez, José Goyti, Alexander Smith, and the black Jose Antonio and John Brown at Lanyard's Key, on Friday afternoon the 27th July 1860; some were lying down and walking about the beach. Alexander Smith is the person I heard say at Lanyard's Key that he wanted six feet in length, and four feet in depth, and two feet in breadth.

Encl. in No. 5.

Cross-examined by Alexander Smith.

I was perfectly sober, and I could recollect everything that I took notice of on Friday afternoon.

(signed) *Daniel Russell*.

Taken and sworn to before me the day and year above mentioned.

(signed) *Christ. Mardenbrough*,
Acting Police Magistrate.

Bahamas, New Providence.

THE examination of Ridley Pinder, of Cherokee Sound, mariner, taken on oath, this 4th day of August, in the year of our Lord 1860, before the undersigned, police magistrate in and for the said island of New Providence, and one of Her Majesty's justices of the peace for the said Bahama Islands, in the presence and hearing of Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, Jose Goyti, Joaquine Herrera, and Juan Baptiste Pla, who stand charged before me the said magistrate, for that they, the said Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, Jose Goyti, Joaquine Herrera, and Juan Baptiste Pla, on the 25th day of July in the year of our Lord 1860, in the parish of St. Peter, at Lanyard's Key, within the Bahama Islands, were knowingly, unlawfully, and feloniously engaged in the slave trade on the 25th day of July 1860, with aiding and assisting in the removal, conveyance, and importation of certain persons, Africans by birth, to the number of 300 and upwards, as and in order to their being dealt with as slaves, from some port or place without the limits of the Bahama Islands to Lanyard's Key, within the said islands, for the purpose of being thence carried and conveyed to the Island of Cuba, and there sold, disposed of, held, and detained as such; and the said Ridley Pinder, on oath, saith as follows: I recognise Francois Barrallier, Juan Baptiste Pla, and the black man Jose Antonio, as being on shore at Lanyard's Key on Thursday the 26th July 1860; I recognise Alexander Smith, the supposed captain. I called him so, because he told me at Lanyard's Key, on Thursday the 26th July 1860, that the real captain had died on board the vessel three days after they had been out at sea, and that he had brought out the vessel. This man Alexander Smith is the person that offered me 40,000 dollars to land him

PAPERS RELATING TO

him and the cargo on a Key, which I supposed to be on the Cuba shore. I understood him to mean the slaves as his cargo. None of the prisoners were present when the money was offered to me.

(signed) *Ridley Pinder.*

Taken and sworn to before me the day and year above mentioned.

(signed) *Christ. Mardenbrough,*
Acting Police Magistrate.

Bahamas, New Providence.

THE examination of Thomas Knowles, taken on oath this 4th day of August, in the year of our Lord 1860, before the undersigned, police magistrate in and for the said island of New Providence, and one of Her Majesty's justices of the peace for the said Bahama Islands, in the presence and hearing of Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, José Goyti, Joaquine Herrera, and Juan Baptiste Pla, who stand charged before me, the said magistrate, for that they the said Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio Jose, Jose Goyti, Joaquine Herrera, and Juan Baptiste Pla, on the 25th day of July, in the year of our Lord 1860, in the parish of Saint Peter, at Lanyard's Key, within the Bahama Islands, were knowingly, unlawfully, and feloniously engaged in the slave trade on the 25th day of July 1860, with aiding and assisting in the removal, conveyance, and importation of certain persons, Africans by birth, to the number of 300 and upwards, as and in order to their being dealt with as slaves, from some port or place without the limits of the Bahama Islands to Lanyard's Key, within the said islands, for the purpose of being thence carried and conveyed to the island of Cuba, and there sold, disposed of, held, and detained as slaves; and the said Thomas Knowles, on oath, saith as follows: I went on board of the wreck at Lanyard's Key, on Wednesday, the 25th July 1860: she was bilged. I saw no one on board. I saw a quantity of Africans on shore. I saw John Brown, Alexander Smith, Joaquine Herrera, José Goyti, Baptiste Pla, Francois Barrallier, and Eldelphonso Fernandez, and Henry Selner were there, and I saw the black man there; they were walking about. I did not see any tents there. I asked the Captain, Smith, how long he had been out; "36 days." I asked him how many slaves he had on board; he said he had shipped 400 slaves on board, and that there were 360 of them on shore; I heard that François Barrallier and Jose Goyti were the owners. I did not hear any of the prisoners say so; he never asked Captain Smith any leave to take the rigging. I was one that brought water from the mainland to relieve the slaves; we brought two casks of water at a time in one little boat, 10 feet keel, at a time; we went thrice; we got one cask off the schooner; I gave the water to one of our own people to give out the water; we gave about a pint. I had no proposition made to me to carry away any of the prisoners, neither from themselves, nor any one else. I never had any conversation with any of them, except what I had with the Captain as before stated.

(signed) *his*
Thomas + Knowles,
mark.

Taken and sworn before me the day and year above mentioned.

(signed) *Christ. Mardenbrough,*
Acting Police Magistrate.

Bahamas, New Providence.

THE examination of Henry Sweeting, mariner, taken on oath this 4th day of August, in the year of our Lord 1860, before the undersigned, police magistrate in and for the said island of New Providence, and one of Her Majesty's justices of the peace for the said Bahama Islands, in the presence and hearing of Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, José Goyti, Joaquine Herrera, and Juan Baptiste Pla, who stand charged before me, the said magistrate, for that they the said Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, José Goyti, Joaquine Herrera, and Juan Baptiste Pla, on the 25th day of July, in the year of our Lord 1860, in the parish of St. Peter's, at Lanyard's Key, within the Bahama Islands, were knowingly, unlawfully, and feloniously engaged in the slave trade on the 25th day of July 1860, with aiding and assisting in the removal, conveyance, and importation of certain persons, Africans by birth, to the number of 300 and upwards, as and in order to their being dealt with as slaves, from some port or place without the limits of the Bahama Islands to Lanyard's Key, within the said islands, for the purpose of being thence carried and conveyed to the island of Cuba, and there sold, disposed of, held, and detained as slaves; and the said Henry Sweeting, on oath, saith as follows: I belong to Cherokee Sound. On Thursday morning I saw a wreck at Lanyard's Key. I went on board of the wreck. I saw all the prisoners on shore on the Key. I also saw a lot of Africans on shore; they were from this wreck, all naked; there were no tents when I got there.

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there. We put up the tents; we made a tent of a large sail on the beach to protect them; myself and Cherokee Sound people made it for them, and there was another tent put up made of the light sails for the crew; it was for the Captain and the crew. This is the man, Alexander Smith, sitting there, that acted as Captain, because he gave us leave to go on board, and save what we could from the wreck. Captain Smith was sitting down on the beach eating his breakfast, when he asked me what island was that that he was on. I told him it was Lanyard's Key, Abaco. José Goyti, Joaquine Herrera, Henry Selner, John Brown were present, and Francois Barrallier and Eldelphonso Fernandez were present; he asked me where was the Hole in the Wall Lights, whether it was to the south, or to the north of him; I told him it was to the southward; he took his chart and saw how these places bore; he asked us if we could get him any vessel to carry him to Cotton Key; we told him we could not get any vessel to take him there; I thought it was on the coast of Cuba; I thought it would be unlawful to take the Africans away and the crew, because it was English ground where the Africans were landed; he did not tell me that anything was on Cotton Key.

Cross-examined by *Alexander Smith*.

I went on board; I did not see any handcuffs, or any marks of iron on any of them.

(signed) *Henry + Sweeting,*
his
mark.

Sworn to before me the day and year above mentioned.

(signed) *Christ. Mardenbrough,*
Acting Police Magistrate.

Bahamas, New Providence.

THE examination of Octavius Dorsett, master of the schooner "Expeditious," taken on oath this 4th day of August, in the year of our Lord 1860, before the undersigned, police magistrate in and for the said island of New Providence, and one of Her Majesty's justices of the peace for the said Bahama Islands, in the presence and hearing of Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, José Goyti, Joaquine Herrera, and Juan Baptiste Pla, who stand charged before me, the said magistrate, that they, the said Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio Jose, Jose Goyti, Joaquine Herrera, and Juan Baptiste Pla, on the 25th day of July, in the year of our Lord 1860, in the parish of Saint Peters, at Lanyard's Key, within the Bahama Islands, were knowingly, unlawfully, and feloniously engaged in the slave trade, on the 25th day of July 1860, with aiding and assisting in the removal, conveyance, and importation of certain persons, Africans by birth, to the number of 300 and upwards, as and in order to their being dealt with as slaves from some port or place without the limits of the Bahama Islands to Lanyard's Key, within the said islands, for the purpose of being thence carried and conveyed to the island of Cuba, and there sold, disposed of, held, and detained as slaves; and the said Octavius Dorsett, on oath, saith as follows: Francois Barrallier, José Goyti, and Eldelphonso Fernandez told me that this gentleman, now present, and answering to the name of Alexander Smith, was the captain of the wrecked schooner; this they told me on board my schooner, the "Expeditious," on the way to Nassau from Lanyard's Key on Friday the 28th July 1860. I saw the whole of the nine prisoners at Lanyard's Key on the same day; one tent was there occupied by the prisoners, and another with sails spread over some spars occupied by the Africans. I saw the black man, Jose Antonio, attending to the slaves on shore. I saw no one give out any provisions. Francois Barrallier, José Goyti and Eldelphonso Fernandez * that the slaves were from Rio Grande, and were 36 days out. The few prisoners that I saw were under the protection of the crew now present.

* *Sic. in orig.*

(signed) *Octavius H. Dorsett.*

Taken and sworn to before me, the day and year above mentioned.

(signed) *Christ. Mardenbrough,*
Acting Police Magistrate.

Bahamas, New Providence.

THE examination of William Henry Russell, mariner, taken on oath this 4th day of August, in the year of our Lord 1860, before the undersigned, police magistrate in and for the said island of New Providence, and one of Her Majesty's justices of the peace for the said Bahama Islands, in the presence and hearing of Alexander Smith, John Brown, Eldelphonso Fernandez, Henry Selner, Francois Barrallier, Antonio José, José Goyti, Joaquine Herrera, and Juan Baptiste Pla, who stand charged before me, the said magistrate, for that they, the said Alexander Smith, John Brown, Eldelphonso Fernandez,

Henry Selner, Francis Barrallier, Antonio José, José Goyti, Joaquine Herrera, and Juan Baptiste Pla, on the 25th day of July, in the year of our Lord 1860, in the parish of St. Peters, at Lanyard's Key, within the Bahama Islands, were knowingly, unlawfully, and feloniously engaged in the slave trade, on the 25th day of July 1860, with aiding and assisting in the removal, conveyance, and importation of certain persons, Africans by birth, to the number of 300 and upwards, as and in order to their being dealt with as slaves, from some port or place without the limits of the Bahama Islands, to Lanyard's Key, within the said islands, for the purpose of being thence carried and conveyed to the island of Cuba, and there sold, disposed of, held, and detained as slaves; and the said William Henry Russell, on oath, saith as follows: I recognise the prisoners answering to the name of Joaquine Herrera, Juan Baptiste Pla, and Henry Selner; I saw them on shore at Lanyard's Key, on Friday, the 27th July 1860. Alexander Smith, the supposed captain, and José Goyti, and Eldelphonso Fernandez, they were on shore also; they were taking care of the slaves on shore; the three first named I brought to Nassau. Baptiste Pla is the man present who told me that he had been captured by a man-of-war, and put in gaol for 11 months and 3 days in Africa, for being engaged in the slave trade before; he did not say what part. Henry Selner told me that the vessel was from Africa, bound to Cuba. Alexander Smith, the supposed captain, is the person present who said he would have six feet of ground long, two feet wide, and four feet deep. I heard that the captain, Smith, was an Englishman, and that every little boy in Key West knew him.

Cross-examined by *Alexander Smith*.

I never heard him say so himself. I did not see you looking after the slaves on shore. I cannot point out the persons that said every boy in Key West knew you. I did not hear you say you want six feet by four feet.

(signed) *William H. × Russell.*
his
mark.

Taken and sworn to before me, the day and year above mentioned.

(signed) *Christ. Mardenbrough,*
Acting Police Magistrate.

— No. 6. —

(No. 119.)

No. 6.
Governor Bayley
to the Duke of
Newcastle.
22 Dec. 1860.

COPY of a DESPATCH from Governor *Bayley* to His Grace the Duke of *Newcastle*, K. G.

Government House, Nassau, New Providence,
Bahamas, 22 December 1860.

My Lord Duke,

(Received 14 January 1861.)

THE enclosed letters will apprise your Grace of one of the most high-handed outrages ever perpetrated in a British colony.

2. The papers transmitted are (1. and 2.) two letters from the two light-keepers at Cay Lobos to the surveyor-general, Mr. Harvey; (3.) a letter from light-keeper Lamotte to his father; (4. and 5.) two documents purporting to be certificates signed by Charles Brown, master of the wrecked vessel which therein is styled "America."

3. From these your Grace will learn that on the 9th or 10th of this month a slaver was wrecked on the Mucarras shoals, a distance of 16 miles from Cay Lobos, at the southern extremity of this colony (the scene of another outrage, described in my Despatch, No. 42, of the 28th April 1858); that there were 500 Africans on board her; that the captain and seven men proceeded in a boat from the wreck to Cay Lobos, and there forcibly got possession of the lighthouse boat, and afterwards of two Bahamian schooners, the "Lily" and the "Alicia," lying at anchor; that they landed the slaves on the Cay; and, after having employed these schooners on the wreck, the captain proceeded in one of them to Cuba, to look for a vessel; and that a brig was shortly afterwards despatched from Cuba, which carried the slaves thither.

4. It would also appear that the captain of the wrecked slaver forced the light-keepers to aid him at the wreck, broke their boat, and by way of reward made them a present of some of the wrecked materials.

5. Two days ago I received the news of the landing of the slaves on one of our islands; and within two hours afterwards, I despatched the lighthouse yacht,

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yacht, with Captain Bravo, Lieutenant Panter, and a body of men of the 1st West India Regiment, to Cay Lobos, for the purpose of liberating the slaves and capturing the men by whom these outrages had been committed. But about 24 hours after the departure of the yacht, I received information of the arrival of the Spanish brig, and the removal of the slaves. I expect the yacht will return in two or three days from this date.

6. It would be wholly superfluous for me to dilate on the enormity of an outrage which partakes equally of the characteristics of piratical plunder and hostile aggression. Here, on an island of a British dependency, a spot selected by the provident generosity of the British Government whereon to erect a beacon light mainly for the preservation of American and Spanish commerce, a crew, partly Spanish and partly American, have dared to violate the laws of England by the introduction of slaves, and the law of nations by the plunder and coercion of British subjects.

7. Your Grace will do me the justice to bear in mind that on several occasions during the present year, I have intimated my conviction that the southern islands of this colony are the habitual rendezvous of slavers, and that this violation of our territory and our law must continue, unless arrested by the timely presence of British vessels of war. I believe that the whole ground between the Bahamas and Cuba is traversed by slavers; that every boat and sloop that issues from Cuba is in league with them; and that nothing but the persistent and uninterrupted efforts of light armed vessels can put a stop to a traffic which is as defiant to the English name and nation as it is disgraceful to those who profit by it.

I have, &c.
(signed) *C. J. Bayley.*

 Enclosures in No. 6.

(1.)

Sir,

Cay Lobos, Friday, December 14.

Encls. in No. 6.

I HAVE to report the wreck of a large ship on the western end of the Mocaes Reef, with slaves on board. On going up on Monday, at 5 p. m., to get ready to light, discovered her on shore with her head to the eastward and fore and main topsail aback trying to back her off. On Thursday morning the boat came on shore with the captain, and seven men and one passenger. The captain, on being asked where he was from, said he was from Melbern bound to New Orleans; but after, said he was from the coast with people, and he must land them on the Cay, and he had only two boats, and one of them was stove. He asked the P. light to lend him the lighthouse boat. Mr. Lamotte said he could not do it, but he said he must have her to land with, and took her. They did not come on shore on Wednesday, but on Thursday morning we see three boats, two towing our boat about eight miles in the gulf bearing south from us. At 9. 10 a. m. let the lighthouse boat go, as they could not tow her up, and it was blowing hard from the N., with very heavy sea. At 12 a. m. the boats landed; they said they had been in the boats since 8 p. m. on Wednesday night, till 12 a. m. on Thursday, pulling all the time. On Friday morning the people on the Cay see the "Lilley," Smith master, at anchor on the south end of the Cay. The people launched their boats and pulled on board of her, and took her and compelled him to go to the wreck with him and fetch the slaves, which they landed at 4 p. m. They kept charge of the schooner all night, and at daylight on Saturday morning they went to the wreck, and fetched provisions and sails to cover the slaves. At 4 p. m., the schooner "Alicia" came to anchor, Thompson master; they took her and kept her, allowing her to go to the wreck. On Sunday the 9th, at 6 a. m., the captain and some of his men took the "Lilley" and went over to Cuba for help, returning on the 14th; they did not tell us anything about it.

The people are still on the Cay, and the crew got the two schooners in charge.

(signed) *Jno. F. La Motte, P. L. Keeper.*
Thomas Ap Rees, Assistant Keeper.

I forgot to mention that the ship is laying about 18 miles from the Cay. Finlay's boat is in sight.

PAPERS RELATING TO

(2.)

Honourable T. C. Harvey.

Sir,

Cay Lobos, 16 December 1860.

I HAVE to inform you that I have delivered a letter to the master of Mr. Finlay's boat to hand to you, apprising you of the slaves landing on the Cay, and on Tuesday the 16th December, there arrived a brigantine, supposed to be a Spaniard, and taking the slaves from the Cay, which we were compelled to submit to their request; the Spaniard, which was brought across by one of the vessels, his boat was taken from him, and afterwards the two vessels were allowed to proceed on their voyage, which they forthwith proceed to Nassau with the materials of the said ship; the brig forthwith took her departure; name of vessel or captain not known.

We have, &c.

(signed) *Jno. F. La Motte*, P. L. Keeper.
Thomas Ap Rees, Assistant Keeper.

(3.)

My dear Father,

Cay Lobos, 16 December 1860.

I RECEIVED your kind letter and articles which came safe at hand by schooner "Lily." Lewis Smith is coming here: he has found a ship on shore on part of the Mocaes reef; a slaver, with 500 Africans on board. I have the crew and passenger with one of the owners, who took possession of our boat by main force, to their assistance, with threats of myself or Mr. Rees. We could do nothing with them; they have been on shore from the 3d of December; the ship has six feet water in her hold; she was fitted for a trader for the coast; they have landed all the slaves here. I have seen Mr. Ben Thomson, who they have pressed, as well as L. Smith. Mr. T. is working on the ship, and they are gone to Nuvetas with the captain; for the owners, they compelled them as well as ourselves; their names I never heard. I heard some call him Brown; the two passengers say they are merchants at the coast; they were very sick. I done all I could, and Mr. Rees also; they recovered something of health when they left us. The boat got stove to pieces, which I hope that we will not have to pay for it. I protested against their proceeding, but to no effect. We had 16 of the crew to feed for two days, before they got any of their provision on shore; they thanked me for my kindness to them in sickness. I am much afraid assistance will come too late; my small store is all out; send me some by the first chance. I am still labouring under pain from the fall.

Your obedient son,
(signed) *Jno. F. La Motte*.

(4.)

Key Lobos, 17 December 1860.

THIS is to certify that I have forcibly detained the schooner "Lilly" (Captain Smith), and the schooner "Alicia" (Captain Thompson), and compelled them to remain here until I was enabled to pass my cargo off the Key; and I compelled the schooner "Lilly" to convey me to Cuba and back. I was compelled to pursue this course to save my cargo; and I have given them the wreck as the only recompense I can give them for the detention and the breaking-up of their voyage.

(signed) *Charles Brown*,
Master of the ship.
Jno. F. La Motte.
Thomas Ap. Rees, Asst. K.

(A true Copy.)

E. B. A. Taylor, Private Secretary.

(5.)

Key Lobos, 8 December.

THIS is to certify, that the hull and whatever is on board of the ship "America," lying on the Mocus Reefs, is abandoned, given and delivered to Captain Lewis Smith, master of schooner "Lily."

(signed) *Captain Charles Brown*,
Master of ship "America."

(A true Copy.)

E. B. A. Taylor, Private Secretary.

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— No. 7. —

(No. 45.)

COPY of a DESPATCH from Governor *Bayley* to His Grace the Duke of
Newcastle, K. G.

No. 7.
Governor Bayley
to the Duke of
Newcastle.
6 May 1861.

Government House, Nassau, Bahamas,
6 May 1861.

(Received 3 June 1861.)

My Lord Duke,

[Answered (No. 167) 13 July 1861, page 30.]

IN reply to your Grace's Despatch, No. 133,* of the 12th February, I have the honour to state that I have remunerated the several persons engaged in rescuing the Africans who were wrecked last July off Lanyard's Cay, and liquidated the cost of the provisions then supplied to them, in the following scale and degrees:—

Page 27.

	£.	s.	d.
To Ridley Pinder, for his boat - - - - -	30	-	-
To - ditto - and each of his men, 4 <i>l.</i> 10 <i>s.</i> 6 <i>d.</i> respectively - - - - -	45	5	-
Cost of provisions - - - - -	19	10	-
To the owners of schooner "Spy" - - - - -	64	3	10 $\frac{2}{3}$
To - - ditto - - "Fly" - - - - -	64	3	10 $\frac{2}{3}$
To - - ditto - - "Expeditious" - - - - -	64	3	10 $\frac{2}{3}$
To the 25 men composing the crews of the above-mentioned schooners, say, 15 <i>l.</i> 8 <i>s.</i> 1 $\frac{1}{2}$ <i>d.</i> each -	385	3	4
	£.	672	10 -

I have, &c.
(signed) *C. J. Bayley.*

Despatches from the Secretary of State.

— No. 1. —

No. 1.

(No. 108.)

T. F. Elliot, Esq.
to Governor Bayley,
29 Sept. 1860.

COPY of a DESPATCH from *T. Fred. Elliot, Esq.*, to Governor *Bayley*.

Sir,

Downing-street, 29 September 1860.

* Pages 3, 7 and 8.

I AM directed by the Secretary of State to acknowledge the receipt of your Despatches, Nos. 82*, 83*, 85*, and 87, of the 22d, 23d, 24th, and 25th August, reporting the proceedings which you had adopted, or were contemplating, in consequence of the wreck of the slaver which had taken place on the 25th July.

I enclose for your information and guidance a copy of a correspondence with the Foreign Office, with a copy of a report from Mr. Rothery, Registrar of the High Court of Admiralty, to whom Her Majesty's Government are in the habit of making references on questions of law relating to the slave trade.

I also enclose for your further information and guidance a copy of a Despatch addressed by the Earl of Derby, then Mr. Stanley, to the Marquis of Normanby, then Earl of Mulgrave, and Governor of Jamaica, on the subject of the proceedings to be taken in consequence of the wreck of a slaver called the "Heroina."

You will perceive, that whilst any British subjects may be prosecuted in the Bahamas courts for a violation of the Slave Trade Acts, that course cannot be taken with the subjects of Foreign States. But in the last paragraph of his Despatch, Mr. Stanley states his opinion to be that the subjects of Foreign States who had been engaged in a violation of the laws of those States might properly, if an opportunity offered, be sent to the country to which they belong, to be dealt with by the authorities of that country, whilst at the same time he throws out a suggestion that it might be impossible, on a writ of habeas corpus or an action for false imprisonment, to justify their detention in gaol, unless committed and subsequently removed under the provisions of an Alien Act in force in the Colony. I am not aware whether there is any such Act of the Bahamas Legislature applicable to the present case, but on this point you will be guided by the opinion of the law officers of your government.

With regard to the disposal of the rescued negroes, you will perceive that under the 16th section of the 5th Geo. 4, c. 113, they should be dealt with in the same manner as captured negroes, and therefore, in strict accordance with the Orders in Council and regulations issued under the authority of the Acts for the abolition of the slave trade, and all contracts and indentures of apprenticeship, which shall not be found to have been made in conformity with those Orders in Council or regulations, will be void in law. I conceive that the Attorney General of your government, had he been consulted, would have been enabled to point out to you the course thus prescribed by law, and I am to request that you will call for his opinion for your guidance.

As the mail is on the point of departure, I am unable by the present opportunity to refer you more specifically to the Orders in Council in force, but the Secretary of State thinks it right to apprise you that the Africans should be enlisted or apprenticed to arts, crafts, or trades, and not to field labour, or to labour on salt ponds; and that it would be desirable that they should be indentured to persons residing in New Providence, and near the seat of government, and not in the out islands.

I have

C. O. 24 August
1860.
F. O. 4 Sept. 1860.
28 Sept. 1860.
24 June 1833.

7 September 1838.
4 January 1843.
30 May 1847.

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I have to call your attention also to the Rules of the Service, s. 5, p. 106.
The question of the remuneration to be granted to the salvors is reserved until the further information alluded to by Mr. Rothery shall be received.

I have, &c.
(signed) *T. Frederick Elliot.*

Enclosure 1, in No. 1.

Sir,

Downing-street, 24 August 1860.

I AM directed by the Secretary of State to transmit to you, to be laid before Lord J. Russell, the copy of a Despatch from the Governor of the Bahamas, reporting that 360 Africans taken from a slaver which had been wrecked on the island of Abaco had arrived at Nassau in three wrecking vessels. Encl. 1, in No. 1.

I am to request that his Lordship will enable the Secretary of State to send out to Governor Bayley by the mail of the 1st September any instructions on the subject which may appear to be required.

F. Hammond, Esq.
&c. &c. &c.

I have, &c.
(signed) *T. Fred^k Elliot.*

Enclosure 2, in No. 1.

Sir,

Foreign Office, 4 September 1860.

I HAVE laid before Lord John Russell your letter of the 24th ultimo, enclosing a Despatch from the Governor of the Bahamas, reporting the arrival at Nassau in three wrecking vessels of 360 Africans taken from a slaver which had been wrecked on the island of Abaco; and in reply to your request that his Lordship will enable the Secretary of State for the Colonies to send to Governor Bayley any instructions which may be required, I am to state to you, for the information of the Secretary of State, that it does not appear to Lord John Russell that any specific instructions or observations on his part are required in this case. The negroes having been rescued from a wreck, and landed in a British Colony, are necessarily free, subject to such regulations as have been laid down for the custody and protection of emancipated Africans. Encl. 2, in No. 1.

Lord John Russell would suggest that the opinion of the Law Officers of the Crown should be taken on the point whether the salvors are entitled to the same amount of bounty as is usually awarded in the case of slaves captured by British authorities. In any case, however, his Lordship thinks that it would be a good policy that a liberal decision should be come to in regard to the amount of bounty to be awarded to the salvors, as it would stimulate them to exertions in similar cases.

Sir Frederic Rogers, Bart.,
&c. &c. &c.

I am, &c.
(signed) *E. Hammond.*

Enclosure 3, in No. 1.

To the Right Honourable the Lords Commissioners of Her Majesty's Treasury.

May it please your Lordships,

In obedience to your Lordships' commands, I have perused and considered the documents herewith returned, consisting of a letter from T. F. Elliot, Esq., Assistant Under Secretary of State for the Colonies, dated the 17th of September instant, enclosing copy of a Despatch from the Governor of the Bahamas, dated the 28th of July last, reporting the arrival of three wrecking vessels with 360 Africans who had been taken from a slaver which had been wrecked on the island of Abaco, and of a letter from the Foreign Office, bearing date the 4th instant, in reply to one upon the same subject from the Colonial Department. Encl. 3, in No. 1.

And I have the honour to report to your Lordships that the Governor of the Bahamas in his Despatch states that on the morning of the 28th of July last, the day on which his letter was written, three wrecking vessels had arrived at Abaco having on board 360 Africans taken from a slaver which had been wrecked on that island on her voyage from Rio Congo to Cuba; that there were also three white men on board, who stated that they were

were passengers, and that the captain had committed suicide; but that it was suspected that one of them was himself the master of the wrecked vessel. Governor Bayley further states that most of the Africans were very young; a great many of them children, and hardly any above 25 years of age, females constituting one fourth of the whole number, and that he was engaged in directing preparations for clothing and housing the Africans, and prosecuting the white men, who appeared to be Portuguese; and he requests to have instructions as to the amount of compensation which Her Majesty's Government intend to award to the salvors in this case.

A copy of this Despatch having been forwarded to the Foreign Office with a request that Lord John Russell would enable Her Majesty's Secretary of State for the Colonies to send to Governor Bayley any instructions that might be necessary, Mr. Hammond in his reply states that it does not appear to Lord John Russell that any specific instructions or observations on his part are required in this case, and that the negroes having been rescued from a wreck, and landed in a British colony, are necessarily free, subject to such regulations as have been laid down for the custody and protection of emancipated Africans. But his Lordship suggests that the opinion of the Law Officers of the Crown should be taken on the point, whether the salvors are entitled to the same amount of bounty as is usually awarded in the case of slaves captured by British authorities; and that in any case it would be good policy to award a liberal remuneration to the salvors, as it would stimulate them to exertions in similar cases. And Mr. Elliot, in transmitting these documents to your Lordships, calls attention to Lord John Russell's suggestion.

Two questions, it appears to me, arise on these papers; first, as to the amount of remuneration which it may be proper to award to the salvors; and, secondly, in regard to the proceedings which Governor Bayley states it to be his intention to institute against the white men.

As to the amount of remuneration proper to be granted to the salvors, I apprehend that it would be premature to come to any decision, the facts as they are at present known being wholly insufficient to enable your Lordships to form any opinion on the merits or even on the nature of the services which have been rendered by these wrecking vessels. It is, however, not easy to see how they could be entitled, as suggested, to the same amount of bounty as is usually awarded in the case of slaves captured by British authorities. Many similar cases have occurred of slaves being landed from wrecked vessels in British territory, and freed; but I am not aware that in any instance the usual slave bounties have been awarded to the salvors. The rescuing of these Africans from the wreck can hardly be regarded as a seizure, within the meaning of the Act, for which alone the bounties are due, even if the wreckers could be considered as authorised to make the seizure.

At the same time these men are clearly entitled to some, and possibly a handsome remuneration for their services; but the amount thereof must depend upon the nature, extent, and duration of those services, of which there is at present no information before your Lordships. Had the occurrence taken place on the shores of the United Kingdom, the salvors would have been entitled, under the 457th and 459th sections of the Merchant Shipping Act (17 & 18 Victoria, cap. 104), to a remuneration for saving the lives of these persons, and that remuneration would be payable in priority to any other claim for salvage out of the proceeds of the wreck, if any existed, and if not, then by the Board of Trade out of the Mercantile Marine Fund; and I have some reason to think that a somewhat similar provision was introduced into the local Act, called the Bahamas Wrecking Act, which was passed some two or three years ago, and which came under my observation at the time.

It appears, therefore, to me to be hardly necessary, at least at the present time, to trouble the Law Officers of the Crown for their opinion as to whether the salvors are entitled to the usual slave bounties upon these 360 Africans, and as regards the amount of remuneration which the salvors should receive for their services, it would be better that the question should stand over until all the facts of the case are fully before your Lordships.

As regards the second point, namely the proceedings which the Governor states it to be his intention to institute against the white men, who would seem to be Portuguese, I would wish to make a few remarks. Governor Bayley does not say what is the character of the proceedings about to be instituted, or for what offence he proposes to try these men. If he intends to proceed against them as Portuguese subjects, carrying on the slave trade in violation of the treaty between this country and Portugal, I would merely observe that the treaty gives no power to our courts to take cognizance of any such proceedings: it authorises proceedings against the ship and cargo before a mixed British and Portuguese Commission Court, but not against the master and crew of the slaver.

It may be, however, that Governor Bayley contemplates proceeding against these men on the ground that they were carrying on the slave trade within British waters, and having thereby become amenable to our municipal laws, are liable to be proceeded against under the 5 Geo. 4, cap. 113. I fear, however, that such a prosecution could not be maintained. It has long been clearly established that the circumstance of a ship with slaves on board, being driven by stress of weather within British territory, is not an illegal importation, or a carrying on of the slave trade within the meaning of the Act.

The first case of the kind of which I have any knowledge, is that of the "Paqueta Real," a Portuguese vessel with 237 slaves on board, bound from Mozambique to Bahia, and which was wrecked in Simons Bay, at the Cape of Good Hope on the 18th of May 1818. Of the slaves only 133 were saved; these were taken to the hospital and provided with

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with necessaries by order of the Governor. A claim having been subsequently made for the restitution of these slaves by the Portuguese master, the opinion of the then Law Officers was taken on the case, and that opinion having a very important bearing upon the present case, I propose to give at length. It bears date the 27th of August 1818, and was signed by Sir Christopher Robinson, then King's Advocate, and afterwards Judge of the High Court of Admiralty, and by the late Lord Gifford, then Attorney General. They stated "that in the event of a cargo of slaves being abandoned, who in consequence should be landed in a British colony, they are not to be considered as Africans illegally imported, and as such to be proceeded against in the Court of Admiralty, but that they are to be treated as free persons on their landing in the Colony, and to be provided for and taken care of as other distressed and helpless persons accidentally thrown upon the Colony would be. That Africans cast on the shore in consequence of the wreck of the vessel, in which they were conveyed as slaves, are not to be considered as slaves illegally imported, but as free persons, and in such case the Governor has no power to deliver up those Africans without their consent to the person claiming ownership over them, either for the purpose of being dealt with as slaves in the Colony, or of being conveyed to a foreign country for the purpose of being so dealt with."

The next case is that of the French ship "La Perle," which in the prosecution of a voyage from St. John's, on the coast of Africa, to St. Maloes, was on the 9th of December 1825 compelled by stress of weather to put into the port of St. Ives, in Cornwall, having on board five native Africans stated to be slaves. The vessel on her coming into port was seized and detained, under the supposition that although she had been driven into port in distress, yet that having slaves on board, the vessel and cargo were liable to confiscation under the Slave Trade Abolition Acts. The opinion of His Majesty's Advocate was taken on the point, and it was held that, the vessel having been driven in, in distress, no criminality attached to her, and that there had been no illegal importation, no carrying on the slave trade in British territory within the meaning of the Act, and she was consequently liberated with her cargo, and sailed for St. Maloes, her original port of destination. But the five Africans were upon the seizure brought up by habeas corpus before the Lord Chief Justice of the Court of Common Pleas, and directed to be set at liberty.

There were also the cases of the American vessels "Comet" and "Encomium," which had been wrecked in the Bahamas in the years 1831 and 1834 respectively, and that of the "Enterprize," which had been forced into Bermuda by stress of weather and want of provisions in 1835, and from all of which vessels slaves had under various circumstances been landed in British territory and freed. In all those cases the slaves were considered free immediately on their being landed, no proceedings were necessary to establish their freedom, nor was any prosecution instituted against the master or owners of the respective vessels.

From all these cases it results, first, that the Africans are free by the fact of their being landed in British territory, and secondly, that no proceedings are necessary or can be instituted either to confirm the freedom of the negroes or to punish the master or crew. What course should have been adopted had the vessel been seized either before or after she had been wrecked, by a British cruiser, duly authorized by the treaty to seize Portuguese vessels, it is unnecessary to inquire; but even in that case the proceedings must have been instituted before a British and Portuguese Mixed Commission Court, and not before any court in the Bahamas.

And should your Lordships concur in these observations, it will be proper that a copy or the purport of this report should be forwarded to the Colonial Office, in order that Her Majesty's Secretary of State for the Colonies may be enabled to give such directions to Governor Bayley as he may consider the circumstances of the case require.

All which is most humbly submitted to your Lordships' wisdom.

(signed) *H. C. Rothery*, Registrar.

Admiralty Registry, Doctors' Commons,
28 September 1860.

Enclosure 4, in No. 1.

(No. 16.)

Mr. Stanley to the Earl of Mulgrave.

My Lord,

Downing-street, 24 June 1833.

Encl. 4, in No. 1.

I HAVE received your Despatch, dated the 30th of April last, No. 106, respecting a Portuguese slave schooner which was recently wrecked off Old Harbour.

I observe that your Lordship proceeded in this matter, as, indeed, was almost unavoidable, upon the advice and opinion of the Attorney General of your Government; but it seems to me, at least, very questionable, whether any prosecution ought to have been constituted for the condemnation to the Crown of the slaves taken from the Portuguese schooner the "Heroína." From your report, as well as from the examination of the master, it would appear that the slaves were cast upon the shores of Jamaica by shipwreck.

PAPERS RELATING TO

shipwreck. In that case the statute 5 Geo. 4, c. 113, was not violated. There was no illegal importation in the only proper sense of that term.

The Attorney General defends the prosecution on the ground that the custom-house officer claimed to have seized the slaves when in the possession of the Portuguese captain and his crew. But no officer of His Majesty's customs was, I think, entitled to make such a seizure. The case fell within the 23d section of the statute, which provides that in case any person illegally detained in slavery shall, by shipwreck, be cast upon any colony under the dominion of His Majesty, it shall be lawful for His Majesty, or for any such officer, civil or military, as therein mentioned, to deal with, protect, and provide for any such persons in the same manner as is directed by the Act with respect to persons condemned as prize of war, or as forfeited under that Act. In shorter terms, shipwrecked slaves, if held in slavery contrary to law, are to have the same protection, and are to be provided for in the same way as forfeited slaves. The words distinctly express, or, at least, plainly imply, that such shipwrecked slaves are not forfeited, and if not forfeited, they are not liable to prosecution.

If the officers of customs had been able to show that the master and his crew were endeavouring to introduce these people into Jamaica as slaves, and that in the prosecution of that attempt they had been shipwrecked, the crime would have been committed; the forfeiture would have been incurred; the seizure would have been lawful, and the prosecution would have been correctly instituted. But no such proof was adduced, nor was any such allegation made.

But even were it to be assumed that the slaves were forfeited, still the advice given to your Lordship by the Attorney General appears very questionable. There was no adequate motive for the interference of the local Government to direct the prosecution. The freedom of the shipwrecked negroes was secure, and there was ample authority for placing them under the protection provided by law for persons in their condition. The public has, therefore, no further interest in the case. But the custom-house officers had a direct interest against the public, to obtain a sentence of condemnation, in order to establish their claim to the bounties. If it was not reasonable to oppose, it was scarcely necessary to assist them in attaining that object. They were suing for their own benefit, and should have been left to sue on their own responsibility, and at their own risk.

Your Lordship reports that the master and the crew were committed to prison by the magistrates, and you intimate that some proceedings are contemplated against them; but as I cannot find that they violated any part of the law of England, and as their offence was not a piracy by the general law of nations, I cannot understand on what grounds they could be subjected to any indictment or criminal proceeding within His Majesty's dominions.

I conceive, however, that as the master and crew have manifestly infringed the law of their own country, and have been engaged in a direct violation of the treaties between Great Britain and the Brazilian Government for the abolition of the slave trade, they might be properly sent, if an opportunity should offer, to Brazil to take their trial for the offence. But it would perhaps be impossible upon a writ of *habeas corpus*, or even upon an action for false imprisonment, to justify their detention in a gaol in Jamaica, unless they were committed and subsequently removed from the island under the Alien Act in force there.

I have, &c.
(signed) *E. G. Stanley.*

The Earl of Mulgrave, &c. &c. &c.

— No. 2. —

No. 2.

(No. 111.)

C. Fortescue, Esq.,
M.P. to Governor,
Bayley, 23 Oct.
1860.

COPY of a DESPATCH from *Chichester Fortescue, Esq., M.P.*, to
Governor *Bayley*.

Sir,

Downing-street, 23 October 1860.

WITH reference to the Despatch from this Department, No. 108,* of the 29th of September, relative to the disposal of the Africans taken from the slaver which was wrecked on the Island of Abaco, I am directed by the Secretary of State to transmit to you, for your information and guidance, the copy of a further report upon the subject from Mr. Rothery.

I am to convey to you the Secretary of State's approval generally, of the judgment and promptitude with which you acted in the matter. It is not however, surprising that, under the circumstances in which you were placed, the course which you pursued in indenturing the Africans should be materially at variance with the principles sanctioned after much inquiry and consideration by Her Majesty's Government, and acted upon in other West Indian Colonies. What those principles are, you will learn from the enclosed copy of Sir John Pakington's

* Page 16.

Pakington's Circular Despatch of the 3d of October 1852, and from the passages referred to in that Despatch, and printed in the Parliamentary Papers on Emigration of 1850, which I also enclose.

In any future case of the same kind, you will take the course authorised by Sir John Pakington's Despatch, and you will do well, in anticipation of any such contingency, to submit to your Legislature the laws necessary to legalise that course. If the Legislature decline to pass such laws, it will be requisite that the liberated Africans who may hereafter be wrecked on the Island, or in any other way brought to them, should be at once transhipped for Jamaica, or some other West Indian Colony, which will readily receive them on the terms sanctioned by Her Majesty's Government.

In the present case it may be difficult to undo what has been done without risk of allowing the Africans to fall into a condition of vagrancy. The Secretary of State, therefore, does not require the cancelment of any contract in pursuance of which the Africans will learn domestic service or any skilled labour. But he considers that when the African is bound to field work, or to work in the salt ponds, or indeed to any form of unskilled, ill paid, or repulsive labour, the indenture, if not too late, should be cancelled, unless the employer will consent that it shall be altered into general accordance with the regulations adopted with the sanction of the Home Government in other Colonies.

I am to add that, viewing the question in the interests of the employers themselves, the Secretary of State believes that the attempt in a free country to retain the unpaid services of labourers after they have become aware of their own usefulness, and while they see persons of the same class receiving a high rate of wages around them, will prove as fruitless (if not mischievous) in the Bahamas, as it has proved in other places where it has been tried.

I have, &c.
(signed) C. Fortescue.

Enclosure in No. 2.

Mr. Rothery to the Lords of the Treasury.

To the Right Honourable the Lords Commissioners of Her Majesty's Treasury.

Encl. in No. 2.

May it please your Lordships,

IN obedience to your Lordships' commands, I have perused and considered the documents herewith returned, consisting of a letter from T. F. Elliot, Esq., Assistant Under Secretary of State for the Colonies, dated the 27th of September ultimo, enclosing copies of four Despatches from the Governor of the Bahamas, dated respectively the 22d, 23d, 24th, and 25th days of August last, relative to a vessel with a quantity of slaves on board, that had been wrecked off the Island of Abaco; and requesting your Lordships to procure for the use of Her Majesty's Secretary of State for the Colonies my report on the proper disposal of the Africans, on the question raised by the Governor respecting the prosecution of the crew, and on any other points which may appear to require notice.

And with reference to my report dated the 28th of September ultimo, I have the honour further to report to your Lordships, that Governor Bayley in his Despatch, dated the 22d of August last, states, that the slave vessel in question was, on the 25th of July last, wrecked on Lanyard's Cay, off the coast of Abaco, in about latitude 26° 21'. The wreck took place so near the land that, with the exception of three or four, all the negroes were safely disembarked, by the agency of spars extended from the ship to the shore. Their number was 389, and they were brought into the harbour of Nassau in three wreckers of the place, viz.: the "Expeditious," "Try" and "Spy," respectively commanded by Octavius Dorsett, T. Russell, and H. Russell. They were then immediately dispatched to the quarantine station at Athol Island, a distance of about four miles from Nassau, and were placed under the immediate control of the quarantine officer (subject to the superintendence of the permanent immigration officer, Mr. Pinder); and were provided with food, blankets, and clothing, as well as cooks, nurses, and interpreters belonging to their own race, the Congo. The voyage from Africa had not lasted more than 36 days, but the close confinement which the Africans had undergone on board of a schooner of less than 200 tons, had much weakened them, and most of them were suffering great debility, and some of them dysentery and the itch. The health officer, by Governor Bayley's directions, attended the quarantine station every day, and vaccinated the whole party. They were also regularly washed, and took such medicine as was compatible with the strength of their constitutions, and it appears that the bracing air of Athol Island, and a sufficiency of wholesome food, quickly produced their natural effects.

Governor Bayley further states, that he twice visited the Africans while they remained at the station, and (although four boys died) the great improvement in their general condition

Circular Despatch
3 October 1852.
P. P. Emigration
1850.

condition induced him to recall them to Nassau after an absence of 10 days, when they were placed in the barracks attached to Fort Charlotte, which had been placed at the Governor's orders by Lieutenant-colonel Bouchier. He states, that during their sojourn at Athol Island the question of their ultimate disposal occupied his thoughts, and he finally resolved to distribute them as servants and apprentices for periods of two and four years among the inhabitants; as no alternative seemed open, except that of sending them back to Africa, a course which he considered to be equally objectionable on grounds of policy, economy, and humanity, and he therefore took occasion to notify by a public advertisement the determination which he had formed. The consequence was, that he received many remonstrances against the shortness of the term which he had proposed for the apprenticeship, it being objected to his plan, that two years would barely suffice to teach the Africans the English language, the habits of civilised life, the duties of domestic service, or the rudiments of mechanical arts; and that their employers would be losers, if after feeding and clothing them for two or three years, they were liable to be deprived of their services just as the Africans were beginning to become useful. Governor Bayley attached some importance to these objections, knowing, as he states he did, the difficulty of procuring good servants, and of making good workmen; and he thought that the interests of the colony and of the negroes themselves, would alike be promoted by a system which, if it retained the elder Africans in unremunerated service two years longer, and the younger ones three or four years longer, would qualify both for earning higher wages when that preliminary service was at an end, and would give the colony a larger choice of skilled workmen: and he reserved to himself the right and the responsibility of distributing the Africans among those persons whom he thought best entitled by their means and character to humanise and protect them; and in those localities where he thought the employment of new hands would be of the greatest public benefit. Actuated by these considerations, Governor Bayley extended the period of engagement to five years for adults, and six for children, and notified this extension by advertisement. He states that on their arrival at Athol Island the adult males numbered 96, the adult females 37; of the former the oldest did not exceed 35 or 36 years; and of the latter, 30 years of age; the minors comprehended all ages from six years up to 20, and amounted to 256. Diligent inquiries were made whether any of them were connected by ties of consanguinity, but Governor Bayley failed to discover that with the exception of five or six cases, any relationship existed among them.

Governor Bayley further states that before the distribution commenced, he heard that several of the creole negroes in the lower ranks of life had expressed their intention of taking "some of these niggers" as servants. In order to guard against a contingency which would at the same time foster the reckless idleness of the lower orders, and subject the newly arrived negroes to great privation, he determined to exact a preliminary fee of £.1, for every African assigned, which had the desired effect. The persons in whose favour the allotments were made, were all of them, so far as could be ascertained, of competent means and kindly disposition; and in the articles of agreement and the indentures entered into with them, he took care to incorporate the conditions on which his public notices had insisted, and impressed the purport of these conditions on the public mind by an official notice after the first distribution.

Governor Bayley in a subsequent Despatch states that before the general distribution at the depôt, he gave the officer commanding the 1st West India Regiment the option of recruiting to the extent of twenty-five men; and an officer of the regiment accordingly proceeded to Athol Island, and selected twenty-two men (principally adults) for enlistment, who were taken to the military hospital.

There were three distinct distributions of the Africans at Fort Charlotte. The applications for assignments were in proportion to the number of those who were to be assigned, nearly as two to one. Governor Bayley had consequently to incur some obloquy in selecting from the different competitors, who on their part exhibited some caprice in the rejection of those allotted to them; this necessitated re-distributions, and caused some delay. One consequence of this delay was that before the distribution was completed, Congo men and women already settled in the island found means of communicating with their compatriots, and succeeded in dissuading the greater portion of the female adults and the elder girls, from allowing themselves to be assigned to any one. Ultimately, of the 383, the whole number which survived the effects of confinement, privation, and disease, all were assigned to residents of Nassau and the Out Islands in the following proportion, viz. :—

	Male Adults.	Female Adults.	Children.
Nassau - - - - -	38	29	188
Out Islands - - - - -	56	3	61
Sent Sick to Hospital - - - - -	1	4	3
	95	36	252

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Governor Bayley states, that of those who have gone to the Out Islands, about 30 altogether have proceeded to the salt ponds, the remainder to fruit plantations and domestic service. Of those indentured in Nassau, a reasonable portion have been bound to joiners, carpenters, boat-builders and blacksmiths, and he cherishes the impression that one effect of the experiment will be to create in the people a desire for free immigration, and from the Legislature, a disposition to vote a subsidy for supplying it. He states that he has expended on these Africans altogether, a sum not exceeding 550 *l.*; of this amount 380 *l.* will be defrayed out of the fees paid by the public for the apprentices, and he trusts that his drawing on the commissariat officer for the balance, which will not exceed 170 *l.*, according to the calculations which he had formed, will be approved. In concluding this Despatch, Governor Bayley recommends for the favourable consideration of your Lordships the masters and crews of the three wrecking vessels which brought the negroes from Lanyard's Cay to Nassau, and the conduct of Ridley Pinder, the owner of a wrecking vessel, who refused 40,000 dollars which were offered him by the supposed captain of the slaver, Alexander Smith, if he would take the latter to one of the Cays of Cuba, and states that probably Pinder would not have been paid the bribe; still the offer was a tempting one, and was, Governor Bayley believes, rejected on good principles. He states that he believes Her Majesty's Government have established a tariff of prize money for those who have captured negroes off the African coast, and expresses his hope that it will be considered right to apply its provisions in the most liberal spirit to the men who brought the crew and cargo of this slaver to Nassau, and also adds the expression of his hope that the measures he has extemporised under circumstances at once extraordinary and unexpected, will meet with approval.

I have the honour further to report to your Lordships, that Governor Bayley, in his Despatch of the 23d of August last, solicits instructions respecting the Europeans named, Francois Braellier, José Goyti, Alphonso Fernandez, Joachim Herrar, Baptiste Pla, Henry Silver, John Brown, and Alexander Smith, who were wrecked simultaneously with the Africans, and who are now in Nassau gaol, awaiting their trial at the October sittings of the Court, the first seven of whom came along with the negroes, but Smith remained on the Cay, whence he was brought by policemen, whom Governor Bayley despatched with a warrant to arrest him, and who apprehended him just as he was leaving in a vessel for the United States.

Governor Bayley states, that it is not improbable that Smith and Brown are Englishmen, and if that be admitted the Court will have no difficulty in dealing with them; but if they be Americans it may be doubtful whether our courts have any jurisdiction over them, and the other foreigners, who it is true were carrying on the slave trade, but whose presence in our seas while engaged in this traffic, was the result solely of accident or of *force majeure*, that the chief justice seemed to entertain grave doubts on the question, and asked him to refer it for submission to the Law Officers of the Crown, and states the question to be as follows, viz., when an American vessel having a cargo of slaves on board from Africa, is, by stress of weather or other unavoidable circumstance, cast ashore on any island of the Colony and lost, the slaves effecting their escape, can American citizens employed in the navigation of such a vessel be tried and punished according to British law in a British court, upon the principle that they must have passed through British waters to be cast on British ground, and therefore, must be considered as having carried on the slave trade in British territory? Or is there any other reason or principle by which they can be brought within the scope of a British statute?

The prisoners were to be tried about the 20th of this month, and the Governor observes, that it would be desirable to have an authoritative opinion on the points at issue, as soon after that time as is possible, for objections to the jurisdiction of the court may be pleaded in bar, and these may be reserved after the verdict for the consideration of the judges, whose ultimate decision will be guided by the authority of the legal advisers of the Crown.

I have the honour further to report to your Lordships that Governor Bayley, in his Despatch dated the 25th of August last, encloses two petitions: one from T. Russell, H. Russell, and O. Dorsett, who brought the wrecked Africans from Lanyard's Cay to Nassau; the other from R. Pinder, who first relieved the wants, and refused to take them or the European crew to Cuba, and recommends them for favourable consideration.

I beg to refer your Lordships to my report of the 28th ultimo, in which I stated the course which it appeared to me that it would be proper to adopt on the two points then raised in the correspondence from the Colonial Office, namely, as to the reward to be granted to the salvors, and as to the contemplated prosecutions against the crew. I stated that, as regards the first of these two points, the materials furnished were not sufficient to enable your Lordships to arrive at any satisfactory conclusion; and that, as regards the second point, I did not see what power we had to punish the foreign seamen, it appearing to me that the fact of slaves being landed in British territory, in consequence of the wreck of the vessel in which they were being conveyed, was not a violation of the statute of the 5th Geo. 4, c. 113, that it was not an illegal importation or carrying on of the slave trade within the meaning of the Act; and I instanced several cases in which this principle had been laid down.

Since that report, I have met with a case so nearly similar in all respects to the present, in which almost all the same questions were raised, and in which the course to be observed is so clearly stated by Mr. Stanley, the then Secretary of State for the Colonies, that I cannot do better than refer your Lordships to it. It is the case of the

Portuguese schooner "Heroína," bound with a cargo of slaves, principally from Congo and Cabinda, to some port in Cuba, and which was wrecked on the night of the 19th of April 1833 off Old Harbour in Jamaica. The custom house officers in Jamaica, hearing of the circumstance, proceeded to the spot, which was about 30 miles distant from Port Royal, and, with the assistance of some fishing canoes, succeeded in saving the crew and 232 of the negroes, and conveyed them to Kingston, where the negroes were placed under the charge of the officers of the Customs at that port, and the crew were committed under a magistrate's warrant to gaol. A question having arisen as to whether it was necessary to institute any proceedings in regard thereto, the Attorney General of Jamaica advised that the vessel and cargo should be proceeded against, and the negroes regularly condemned to the Crown with a view to insure their freedom. Accordingly proceedings were instituted in the Vice-Admiralty Court at Jamaica, the vessel and cargo were condemned, and the 232 negroes were directed to be "delivered over to the person or persons for the time being appointed to receive, protect, and provide for slaves condemned as prize, to be by such person or persons dealt with in pursuance of the provisions of the 23d section of the Act of the 5 Geo. 4, cap. 113," and were ultimately apprenticed out to tradesmen of good character.

On the facts of this case being reported to the Home authorities, Mr. Stanley, then the Secretary of State for the Colonies, in a letter to the Governor, dated the 24th of June 1833, thus explained the law which governed the case. He says, "I observe that your Lordship proceeded in this matter, as indeed was almost unavoidable, upon the advice and opinion of the Attorney General of your Government, but it seems to me at least very questionable whether any prosecution ought to have been instituted for the condemnation to the Crown of the slaves taken from the 'Heroína.' From your report as well as from the examination of the master, it would appear that the slaves were cast upon the shore of Jamaica by shipwreck. In that case the statute 5 Geo. 4, c. 113, was not violated. There was no illegal importation in the only proper sense of that term."

"The Attorney General defends the prosecution on the ground that the custom house officer claimed to have seized the slaves when in possession of the Portuguese captain and his crew, but no officer of his Majesty's customs was, I think, entitled to make such a seizure. The case fell within the 23d section of the statute, which provides that in case any persons illegally detained in slavery shall by shipwreck be cast upon any colony under the dominion of His Majesty, it shall be lawful for His Majesty, or for any such officer, civil or military, as therein mentioned, to deal with, protect, and provide for any such persons in the same manner as is directed by the Act with respect to persons condemned as prize of war, or as forfeited under the Act. In shorter terms, shipwrecked slaves, if held in slavery contrary to law, are to have the same protection, and are to be provided for in the same way as forfeited slaves. The words distinctly express, or at least plainly imply, that such shipwrecked slaves are not forfeited, and if not forfeited they are not liable to prosecution."

"If the officers of customs had been able to show that the master and his crew were endeavouring to introduce these people into Jamaica as slaves, and that in the prosecution of that attempt they had been shipwrecked, the crime would have been committed, the forfeiture would have been incurred, the seizure would have been lawful, and the prosecution would have been correctly instituted; but no such proof was adduced, nor was any such allegation made."

"But even were it to be assumed that the slaves were liable to forfeiture, still the advice given to your Lordship by the Attorney General appears very questionable; there was no adequate motive for the interference of the local government to direct the prosecution; the freedom of the shipwrecked negroes was secure, and there was ample authority for placing them under the protection provided by law for persons in their condition; the public has therefore no further interest in the case."

After some further remarks which have no immediate bearing upon the present case, Mr. Stanley proceeds to observe, "Your Lordship reports that the master and the crew were committed to prison by the magistrates, and you intimate that some proceedings are contemplated against them; but as I cannot find that they violated any part of the law of England, and as their offence was not a piracy one by the general law of nations, I cannot understand on what ground they could be subjected to any indictment or criminal proceedings within Her Majesty's dominions."

"I conceive however that, as the master and crew have manifestly infringed the law of their own country, and have been engaged in a direct violation of the treaties between Great Britain and the Brazilian Government for the abolition of the slave trade, they might be properly sent, if an opportunity should occur, to Brazil, to take their trial for the offence; but it would perhaps be impossible upon a writ of habeas corpus, or even upon an action for false imprisonment to justify their detention in a gaol in Jamaica, unless they were committed and subsequently removed from the island under the Alien Act in force there."

It appears from a subsequent Despatch that the crew, who, as I have stated, had been committed to gaol under a magistrate's warrant, were ultimately brought up on habeas corpus and released, and that they were freely allowed to quit the Colony and proceed to Cuba.

I beg to refer your Lordships for further information in regard to this case to the reports of Mr. Rothery of the 19th of February 1834, and 17th of March 1835, to your
Lordships'

Lordships' minutes thereon, and to the numerous important documents on which those reports were founded.

On the authority therefore of this case, and of the other cases mentioned in my former report, I have no hesitation in saying, in reply to the Governor's inquiry, that the crew of this Portuguese vessel, being themselves foreigners, cannot be tried and punished according to British law in a British court of justice; and that the fact of the slaves having been landed in British territory, by reason of the wreck of the vessel in which they were being conveyed, is not a violation of the statute, or an illegal importation in the only proper sense of that term.

If therefore any proceedings have been instituted against the foreign crew, they ought, in my opinion, to be abandoned, and one or other of the following courses adopted: either the men should be released and allowed to find their way home as they can, or they may be given up to the consul of the country to which they belong, or if an opportunity occur, they may be sent to their own country and handed over to the authorities, to be dealt with as they may think fit. We can have no authority to punish them except under the treaty, and the treaty gives us no such power over the crew, even in the case of vessels captured and condemned under it.

The next point for consideration is in regard to the ultimate disposal of these Africans. In the case of the "Heroina," all the negroes were, as I have already stated, apprenticed out, and that course appears to have met with the entire approbation of Her Majesty's Government; it does not, however, appear for what periods of time the contracts were made in that case. From Governor Bayley's Despatch of the 22d of August, it would seem that, with the exception of 22, who were enlisted into the 1st West India Regiment, all the negroes were apprenticed, the adults for five years, the children for six years; and I propose now to consider how far the arrangements that have been made are consistent with existing statutes, and with the orders that have been issued by Her Majesty's Government on the subject.

By the 23d section of the Act of 5 Geo. 4, cap. 113, it is provided, "That in case any person or persons illegally held or detained in slavery shall hereafter, by shipwreck or otherwise, be cast upon or shall escape to or arrive at any island or colony, fort, territory, or place under the dominion or in the possession of His Majesty, it shall and may be lawful for His Majesty, his heirs and successors, or for any such officers, civil or military, as aforesaid, to deal with, protect, and provide for any such person or persons, in such and the same manner as is hereinbefore directed with respect to persons condemned as prize of war, or as forfeited under this Act." And the preceding clause directs in regard to these last-named persons that it shall be lawful "to enter and enlist the same, or any of them, into His Majesty's land or sea service, as soldiers, seamen, or marines, or to bind the same, or any of them, whether of full age or not, as apprentices for any term not exceeding seven years to such person or persons, in such place or places, and upon such terms and conditions, and subject to such regulations as to His Majesty shall seem meet, and as shall by any general or special order of His Majesty in Council, be in that behalf directed and appointed."

It would seem that no Order in Council, whether for the Colonies generally, or for the Bahamas in particular, has ever been passed, in accordance with the provisions of this Act, to regulate the disposal of liberated Africans. The first Order in Council, of which I am aware, is one dated the 16th of March 1808, which was sent with a circular letter from Lord Castlereagh of the 11th of April following, to all the Colonies, and by which it was ordered that the collectors of customs in the several Colonies should be appointed to protect and provide for such slaves as might be seized and forfeited to the Crown; but that order was made in virtue of a previous Act, which provided that the period of apprenticeship should not exceed 14 years. There are, also, two Orders in Council dated respectively the 7th of September 1838, and the 4th of January 1843, by the former of which very precise rules were laid down in regard to the apprenticing of liberated Africans, but those orders had reference specially to the Colonies of British Guiana, Trinidad, St. Lucia, and Mauritius.

We come now, however, to an Order in Council which bears date the 20th of May 1847, and which, although confined strictly to the Colony of Trinidad, would seem to express the views then entertained by Her Majesty's Government in regard to the disposal of liberated Africans. It is the last Order in Council on the subject, so far as I am aware. The preamble to that order states, that "Whereas in virtue of sundry Acts of Parliament, treaties and conventions, numerous slaves have been and may be forfeited to Her Majesty; and whereas, by virtue of the said Acts, treaties, and conventions, Her Majesty is authorised to make such rules and regulations relative to the care and protection of such slaves by any general or special order of Her Majesty in Council as to Her Majesty shall seem fit." And it then provides that certain rules and regulations which are annexed "shall henceforward be in force and be observed in reference to all liberated Africans and emancipated or forfeited slaves brought to or landed in the Colony of Trinidad." The first four of these rules provide that male negroes under 16 years of age, and females under 15, may "be apprenticed as household servants, or in husbandry or gardening, or to any trade in the practice of which any peculiar art or skill is requisite, so that their apprenticeship may expire when they arrive at the ages of 18 and 17 respectively."

The fifth rule provides that "any person of the full age of 16 years or upwards may by his or her consent, but not otherwise, be apprenticed to any trade in the practice of which

any peculiar art or skill is required, for any term not exceeding five years." The sixth provides that the law respecting apprentices in England shall, as far as may be practicable, be applied in the case of such apprenticeship as aforesaid; and the seventh gives the same powers as are possessed by justices of the peace in England, to make and dissolve contracts; to any magistrates and other officers who may be appointed by the Governor.

I should here observe, that nothing can be better or more unobjectionable than the terms of this order, and it may be a matter for the consideration of Her Majesty's Secretary of State for the Colonies whether it would not be desirable to extend its provisions to all the Colonies, so that in the event of any case similar to the present occurring in any other Colony, the Governor would not be, as Governor Bayley was, wholly without instructions as to the disposal of the negroes.

I have stated that Governor Bayley had caused the adults to be apprenticed for five years, and the children for six years. I presume also that the whole of them, or at all events the adults, were apprenticed with their own consent, for I find it stated in Governor Bayley's letter of the 22d of August last, that before the distribution was completed, Congo men and women already settled in the Colony, found means of communicating with their compatriots, and succeeded in dissuading the greater portion of the female adults and the elder girls from allowing themselves to be assigned to any one; but that ultimately all of them were duly assigned.

It will thus be seen that in apprenticing the adults for five years, with I presume their own consent, Governor Bayley has acted in accordance with the Order in Council of the 20th May 1847 issued for Trinidad. In apprenticing, however, the children for six years, if above 16 years of age, and if it was done without their consent, he has somewhat exceeded the limits prescribed by that order. On the other hand, the Act of Parliament provides that emancipated negroes, whether of full age or not, may be apprenticed for a period not exceeding seven years. On the whole, therefore, seeing that Governor Bayley was without instructions as to the course proper to be pursued, it appears to me that, in allowing a portion of the negroes to be enlisted, and in disposing of the rest of them as he has done, he has acted with great judgment and discretion, and with a due regard to the interests of the Colony, and to the welfare of the negroes themselves.

There is, however, one point to which I would venture to call your Lordships' attention. Governor Bayley states that 255 of the Africans have been stationed in Nassau, of whom a reasonable number have been bound to joiners, carpenters, boatbuilders and blacksmiths, a proceeding which was perfectly right; and that 120 have been apprenticed in the out islands, and that of these latter, about 30 altogether have proceeded to the salt ponds, the remainder to fruit plantations, and domestic service. I am not aware what may be the nature of the services required from them at the salt ponds, but if it be an unwholesome or dangerous employment, it may be a question how far it would be proper to bind them to it for a period of five or six years, seeing that their services would be unrewarded. It will also be very desirable that the Governor should from time to time ascertain, that the slaves at the out islands are well cared for, and that the contracts are fully carried out by the masters.

I beg further to report, that the course pursued by the Governor, with a view to meet the expenses that have been incurred, appears to me to be most judicious. The whole sum expended will not, Governor Bayley says, exceed 550 l., towards which a sum of 380 l. will have been received from the fee of 1 l. paid for each apprentice, leaving a balance of only 170 l. to be provided for. Comparing this with other similar cases, it appears to me that great economy has been shown in providing for the wants of so large a body of negroes; and I would respectfully submit, that when the Governor's bill for the balance of the expenses is presented, it should be accepted, subject however to the amount being repaid out of the proceeds of the ship, should there be any such available for the purpose; as this is not at all a case in which any consideration should be shown to the owners of the vessel, even if they should ever come forward to claim the balance of the proceeds.

It only remains that I should say a few words in regard to the remuneration to be granted to the salvors and others, who were instrumental in bringing the negroes to Nassau. In my report of the 28th ultimo, I entered at some length into consideration of all the circumstances relating to this part of the case, and to which I beg to refer your Lordships. At that time it appeared to me that the materials were insufficient to enable your Lordships to decide what amount of remuneration it would be proper to grant them, and although some further information is afforded by these papers, the case is not in a state for your Lordships to come to any final decision thereon. In the memorial from Russell and others, which the Governor transmits, it is said, that "statements in detail of the various occurrences, which took place at the wreck, and at Lanyard's Cay have been already made by us, on oath, before the acting police magistrate of New Providence, to which we beg leave most respectfully to refer your Excellency." Those statements are, however, not enclosed; and without them it is impossible to estimate the nature and extent of the services rendered. On this part of the case, therefore, I submit that it would be proper to refer the Colonial Secretary to my former report, and to request that he would obtain from the Governor a full statement of the services rendered, the number of men employed, the duration of the services, and whether any proceeds have been realised from the sale of the wreck, which may be made available for the payment of rewards to the salvors.

I am

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I am not aware that there is any other point to which it is necessary that the attention of Her Majesty's Secretary of State should be called. And should your Lordships approve of the recommendations which I have ventured to make, it would be proper that a copy, or the purport of this report, should be forwarded to the Colonial Office, in order that his Grace the Duke of Newcastle may give such directions in the matter as he may deem expedient.

All which is most humbly submitted to your Lordships' wisdom.

Admiralty Registry, Doctors' Commons,
9 October 1860.

(signed) *H. C. Rothery,*
Registrar.

— No. 3. —

(No. 133.)

COPY of a DESPATCH from the Duke of Newcastle, K. G., to
Governor Bayley.

Sir,

Downing Street, 12 February 1861.

IN reply to your Despatch, No. 105 of the 27th October last, on the subject of the remuneration which should be granted to Ridley Pinder and others for services rendered to the Africans wrecked on Lanyard's Cay in the Island of Abaco, I transmit to you, for your information and guidance, the copy of a letter from the Lords Commissioners of Her Majesty's Treasury, accompanied by a Report from Mr. Rothery.

1 February 1861.
15 January 1861.

I have, &c.
(signed) *Newcastle.*

Enclosure in No. 3.

Sir,

Treasury Chambers, 1 February 1861.

WITH reference to Mr. Elliot's letter of 11 December 1860, transmitting copy of a Despatch from the Governor of the Bahamas, on the subject of the remuneration proper to be granted to the several parties for services rendered to the Africans wrecked on Lanyard's Cay in the Island of Abaco, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you the enclosed copy of a report on the subject from Mr. H. C. Rothery, and to request that you will submit the same for the information of the Duke of Newcastle.

15 January 1861.

I am to state that their Lordships agree in the opinion expressed by Mr. Rothery, that it would have been more satisfactory if Governor Bayley had stated the grounds upon which he has recommended the grant of a sum so much larger than that suggested by the Committee appointed to examine into the claims preferred for this service.

In the absence of any explanation upon this point, their Lordships do not consider that they would be justified in approving of the grant of the remuneration at the rate recommended by the Governor, viz., 2*l.* per head for each African, which is so much in excess of the amount recommended by the Committee, viz., 1*l.* per head.

They would propose that an intermediate rate should be adopted, viz., 1*l.* 10*s.* for each of the 390 Africans, or 585*l.*, and they will not object to the Governor being authorised to draw upon the Treasury Chest for that amount, together with the other sums stated in his Despatch of 27 October last, viz. :

	£.	s.	d.
For provisions - - - - -	19	10	-
Ridley Pinder - - - - -	50	-	-
Nine others - - - - -	18	-	-
	87	10	-
	585	-	-
In all - - -	£. 672	10	-

I am further directed to state that their Lordships will not object to the Governor being authorised to grant a moderate rate of remuneration to any persons whose claims may have been overlooked, the amount to be, as far as possible, in proportion to the rate above authorised,

authorised, when compared with the service rendered by them, and the expense, inclusive of the 672 *l.* 10 *s.*, not to exceed 700 *l.*

Their Lordships are of opinion that the expense incurred for this service may properly be charged to the grant for Liberated Africans.

Sir F. Rogers, Bart.

I am, &c.
(signed) *Geo. A. Hamilton.*

Sub-Enclosure in No. 3.

To the Right Honourable the Lords Commissioners of Her Majesty's Treasury.

May it please your Lordships,

IN obedience to your Lordships' commands, I have perused and considered the documents herewith returned, consisting of—

Letter from T. F. Elliot, Esq., Assistant Under Secretary of State for the Colonies, dated the 11th of December last, transmitting—

Copy of a Despatch from the Governor of the Bahamas, dated the 27th of October last, on the subject of the remuneration proper to be granted to the several parties for services rendered to the Africans wrecked on Lanyard's Cay, in the island of Abaco.

Copy letter from Mr. Ridley Pinder to the Governor of the Bahamas, dated the 31st of July last, detailing the services rendered to the Africans by himself and party.

Copy statement of remuneration claimed by William H. Russell, Thomas Russell, and Octavius H. Dorsett, of the schooners "Expeditious," "Try," and "Spy," with copy of a joint letter from them to the Governor of the Bahamas, dated the 6th of August last.

Copy letter from Mr. J. W. H. Dillet to the Acting Colonial Secretary, dated the 20th of August last.

Copy report of the Acting Colonial Secretary and Mr. John Pinder, the Immigration Agent, to the Governor on the foregoing claims, dated the 26th of October last.

I crave your Lordships' reference to my reports of the 28th of September, 9th of October, and 19th of November last, in which the circumstances of this case are stated, so far as they were then known. At that time, however, the facts had not been furnished sufficiently to enable your Lordships to determine the amount of remuneration proper to be granted to the respective parties for their services on the occasion. These further papers have however now been received, and the facts of the case would seem to be as follow.

It appears that Mr. Ridley Pinder, while at his home at Cherokee Sound, Abaco, having heard that there was a wreck at Lanyard's Cay, immediately started in his boat with seven hands to go to her assistance. He reached a place, known as the "Cay," then walked to Little Harbour, and thence proceeded in a boat to Lanyard's Cay, where they found a schooner on shore, but that all parties, including a cargo of Africans, had been landed from her, with the exception of a few who had been drowned. Two men belonging to Cherokee Sound had preceded them, and several other boats followed in quick succession. Mr. Pinder, seeing the deplorable condition of the parties wrecked, and especially of the Africans, who were in want of water and food, proceeded with three of his men in the boat, which he had taken from Little Harbour, to the mainland, about two miles distant, for the purpose of obtaining water, and having obtained two casks full, he returned therewith, and then proceeded to Great Harbour to inform the parties resident there of the disaster, and of the condition of the Africans. He also communicated with the owners of some of the large-sized schooners there, and requested them to proceed at once with water and provisions to Lanyard's Cay. In consequence of this report, the three largest vessels then in port, the schooners "Expeditious," "Try," and "Spy," proceeded to the Cay, took on board all the Africans, 390 in number, as well as the master and crew of the wrecked vessel, and conveyed them to Nassau. It further appears, that the crews of the "Expeditious," "Try," and "Spy," consisted of six, eight, and 11 men respectively, and that they expended the sum of 19 *l.* 10 *s.*, on the voyage for provisions for the poor Africans. The services are stated to have lasted seven days altogether, and they are said to have refused a bribe from the master of the wrecked vessel, to convey the slaves to the coast of Cuba.

It further appears that Governor Bayley referred the applications of the several parties for a reward for their services, to a committee consisting of the Colonial Secretary, the immigration agent, and the captain of the lighthouse yacht, and the two first of these gentlemen (in the absence of the last who was ill), after having examined into the statements of the respective parties, made a report, in which they gave it as their opinion that the claims of the parties were well founded, and that they were entitled to some remuneration for their humane conduct; and moreover, that Ridley Pinder and his crew, and the

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the two men whom they found at the wreck, were entitled to a fair share of remuneration with the others. They stated that it could hardly be called a case of salvage, inasmuch as the negroes were already saved from all peril of the sea, when the petitioners arrived; that the relief which they afforded them by supplying their wants, though very kindly and humanely rendered, was not alleged to have been attended with any personal danger to the petitioners, or risk to their vessels, and the committee were therefore of opinion that the amount of remuneration to be given to the parties, 35 in all, should be as follows:

	£.	s.	d.
Expenses of feeding the Africans (a very moderate charge)	-	19	10
Reward of 1 l. per head on 390 Africans	-	390	-
	£.	409	10

Governor Bayley, in transmitting these documents, states that the parties interested in the three schooners, who brought the Africans to Nassau, had asked for 780 l. as their share of remuneration, and 19 l. for provisions; but that Mr. Ridley Pinder and the other men who first proceeded to the scene of the wreck (and but for whom the Africans might have died from hunger and thirst) make no specific claim, and he thinks that, on the whole, the fairest computation would be to award 2 l. a head on the liberated Africans, to the three vessels that conveyed them to Nassau; 19 l. 10 s. for the cost of the provisions; 50 l. to Ridley Pinder, and 2 l. to each of the nine other men that were first at Abaco, thus:

	£.	s.	d.
Two pounds per head on 390 Africans	-	780	-
Provisions	-	19	10
Ridley Pinder	-	50	-
Nine others	-	18	-
	£.	867	10

The Governor observes that this is considerably in excess of the sum recommended by the committee, but as Her Majesty's Government have intimated their readiness to deal liberally in cases of this kind, and as the policy of such a course is obvious, he thinks that no objection probably will be made to the scale of reward suggested. He adds, that there may be one or two persons whose claims remain overlooked; but he feels confident that the whole amount of remuneration will be covered by 900 l., and he therefore formally solicits permission to draw on the Commissariat to that extent, for the purpose of defraying all the expenses connected with the deliverance and transport of these Africans.

It would, indeed, have been more satisfactory to your Lordships if Governor Bayley had stated the grounds upon which he thought that the reward proposed by the committee was insufficient, so much depends upon the position of the parties, the tonnage of the vessels employed, and the amount which would have been paid for the services of similar vessels and their crews when engaged in their ordinary employments, that I have very great difficulty in advising your Lordships whether to award the larger sum recommended by the Governor, or the smaller reported by the committee.

I have endeavoured to ascertain what has been the practice of Her Majesty's Government in other cases of a like description, but the present is so exceptional in this respect that I hardly know whether a precedent could be found for it. The nearest case that I have been able to discover is that of the "Restauradora," in which your Lordships, by a Minute dated the 17th of April 1832, awarded a sum of 100 l. "to a Mr. D. Varlock, of Anegada, for the hire of his vessel, and for his personal services, and the services of those other persons who assisted him in preserving the lives of the 121 Africans from the wreck" of a Spanish slaver called the "Restauradora;" of this sum 28 l. 13 s. 4 d. was to be paid to Mr. Varlock for the hire of his vessel and the provisions supplied to the Africans, and the remainder was to be distributed to Mr. Varlock and the other persons who assisted him, in such proportions as Governor Maxwell, the Governor of the Windward Islands, might think proper to direct. There was also a sum 127 l. 1 s., being at the rate of 1 l. 1 s. on the 121 Africans, granted to Mr. Claxton, the collector of the Customs at Tortola, to whose care they had been entrusted, for his trouble and attention to them.

It should, however, be observed that in the case of the "Restauradora," there were but 121 Africans saved, but one vessel engaged, and that the services lasted apparently only one day; whereas in the present case there were 390 Africans saved, three vessels engaged, and the services extended over a period of seven days. It is also remarkable that in both cases the salvors refused an offer made to them by the respective masters to convey the crew and Africans to the Island of Cuba. I should add, that when the case of the "Restauradora" occurred, it was not usual to grant rewards for the saving of human life, and that fact is distinctly mentioned in one of Mr. Rothery's reports of the 14th of November 1831. This is not, however, the case now, and the tendency of modern legislation has been to reward liberally for the saving of human life, and the 459th section of the Merchant Shipping Act, 1854 (17 & 18 Vict., c. 104), provides that salvage in respect of the preservation of human life shall be payable in priority to all other claims for salvage against the same property.

It may, perhaps, not be unimportant to mention that, had the vessel been captured by one of Her Majesty's cruisers, there would have been payable to the captors a bounty of 5 *l.* for each of the slaves condemned, besides 1 *l.* 10 *s.* a ton on the tonnage of the vessel. The reward proposed to be granted by the committee is about 1 *l.* a head on the Africans, by the Governor, rather more than 2 *l.* a head.

There is but one other circumstance to which it is proper that I should call your Lordships' attention; it is proposed by the Governor to give 50 *l.* to Mr. Ridley Pinder, who first went to the wreck, and 2 *l.* a head to each of the men who accompanied him. I do not know what may have been the relative position of Mr. Pinder and these men, but if the boat in which they went was his own property, if he stood towards the men in the relation of master, and they were at the time actually in his employ and receiving wages from him, the proportion might not be too great; otherwise it seems hardly reasonable that he should have 25 times as much as any of the men.

I think that I have now stated everything which appears to me material to enable your Lordships to determine the amount proper to be granted to the respective parties; and I have only to add, that, whatever may be your Lordships' decision, it is desirable that some sum should be awarded to cover all claims and demands whatsoever; for I find that the Governor in his Despatch intimates that possibly the claims of one or two persons have been overlooked; and it would not be convenient to have the matter reopened. It should, however, be clearly understood that the claims of all the parties are to be satisfied out of the amount that may be awarded, either as your Lordships may direct, or as was done in the case of the "Restauradora," in such proportions as may be determined by the Governor.

All which is most humbly submitted to your Lordships' wisdom.

Admiralty Registry, Doctors' Commons,
15 January 1861.

(signed) *H. C. Rothery,*
Registrar.

— No. 4. —

(No. 167.)

COPY of a DESPATCH from the Duke of Newcastle, K. G., to Lieutenant Governor Nesbitt.

Sir,

Downing-street, 13 July 1861.

I FORWARDED to the Lords Commissioners of the Treasury a copy of Governor Bayley's Despatch, No. 45*, of the 6th of May, reporting the amount of remuneration which he had assigned to the several persons engaged in rescuing Africans from the slaver, wrecked off the Island of Abaco in July 1860; and I have to acquaint you that their Lordships have stated that they have no objection to the manner in which the Governor had remunerated those persons.

I have, &c.
(signed) *Newcastle.*

BAHAMAS (WRECKS).

COPY of EXTRACTS of DESPATCHES from the Governor of the *Bahamas* relating to the WRECK of a SLAVER off the Island of *Abaco*, with COPY of EXTRACTS of DESPATCHES relating to the WRECK of a SLAVER off the *Mucaras Shoal*, in which Complaints were made of the Violation of British Territory by American or Spanish Slave Traders.

(Presented to Parliament by Her Majesty's Command.)

*Ordered, by The House of Commons, to be Printed,
6 August 1861.*

539.

Under 8 oz.