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J. Warburton

THE
CASES
OF SOME
ENGLISH SHIPS

Taken by the
SPANIARDS.

Wherein is set forth,

The unwarrantable Manner
in which they were seized; the
illegal Manner of declaring them
Prizes; and the barbarous Treat-
ment the Ship's Company met
with.

TAKEN FROM

Spanish Documents of unquestionable
Authority, done in their own Courts
of Judicature.

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T H E
C A S E S
 O F S O M E
ENGLISH SHIPS

Taken by the

Spaniards, &c.

TH E Depredations and Hostilities which the *Spaniards* have these late Years committed upon the *English* Trading Vessels, are so numerous, that Merchants, in all Parts of *England*, groan under the
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heavy Losses sustained, and exclaim against those illegal Proceedings; but hitherto without Redress.

The News-Papers abound in such Facts, many of which were generally look'd upon as fabulous, on account of the barbarous Treatment; and People imagined that some Circumstances were added to aggravate the Matter, in order to irritate the Publick. But that the *Spaniards* have often, under the Colour of warding off clandestine Traders from their Coasts, committed Piracy, and cruel, unwarrantable Actions, seizing some *English* Vessels, when they were lawfully proceeding on their Voyages for our Plantations in *America*, will plainly appear, from the following Cases; which being taken from Documents of undisputable Authority, done by the *Spaniards* themselves, in their Courts of Judicature, the Reader may be satisfied that nothing is related here but the bare Matter of Fact,

Fact, without any the least Alteration or Addition. You'll likewise see their illegal Manner of proceeding in their Courts, and the many Shifts and Artifices they made use of to condemn the Ships as lawful Prizes; and that, when they themselves could not have the Assurance, against a Number of incontestible Witnesses in Behalf of the *English*, to condemn a Ship, and *pro forma* pronounced a favourable Sentence; yet that Sentence was, by some frivolous Evasion or other, postponed, and the Ship and Cargo detained.

I will not enter upon a political Disquisition on that Account; for, since our Legislators are going to take this Affair into Consideration, they will, without Doubt, find those Grievances considerable enough to apply all possible Means to obtain Satisfaction from his Catholick Majesty for such Outrages: And, as *Great Britain* has always made a considerable,

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siderable, and often a terrible, Figure among her Neighbours, it will be thought below the Dignity of the *English* Nation to suffer, any longer, such notorious Wrongs, which injure us in the tenderest Part, our Commerce.

Declaration of Captain Durell Bailly, Master of the Dolphin of London, upon Oath, administred him by Francisco Areste y Reyna, Notary Publick in the City of Caracas, on the Second of May, 1730. wherein he deposes,

THAT he came out, with his said Ship, from the Island of *Barbadoes*, for *London*, on the 11th of *June*, 1728. Old Stile; and, at Ten o'Clock at Night of the same Day, being twenty Leagues distant from the said Island, he met with a Privateer of the City of *St. Domingo*, call'd *La Maria*, Capt. *Francisco Salgado*, Commander, who took him, and carried

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carried him to an uninhabited Island, named *Beques*, where the said Captain *Francisco Salgado* plunder'd his, this Deponent's Ship; and, after he had cruelly whip'd his Mariners, and stripp'd seven of them naked, he put them on Shore in the said uninhabited Island, and left them there, without Bread, Water, or any Means to subsist themselves: And, from thence, the Deponent, with his Ship and Crew, were brought to the Port of the said City of *St. Domingo*. And, when he was arrived there, they carried him to the President of that City, *Don Francisco de la Rocha Ferrer's* Palace; and the only Question the said President made this Deponent, was, If he would sell his Ship and her Cargo? To which he answer'd, If the two Crowns of *Spain* and *Great Britain* were at War, his Excellency had no need to make him such a Question, but if they were at Peace (of which there was not the least Doubt) he requested his Excellency would please to order

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order his Ship to be returned him, and let him proceed on his Voyage, and to chastise the Privateers for treating him ill, and leaving seven of his Men in the uninhabited Island, and for plundering his Ship of several Effects, and Furniture of his Cabbin, and stripping him and his Mariners naked to the Skin. To which Complaints the said President made no Answer at all, but order'd him to remain Prisoner in the Guard House till the following Day, and from thence he sent him to the House of *Don Joseph Campufano*, pretended Owner of the Privateer Sloop. And, on the 21st of *July* of the same Year, 1728. the said *Don Joseph Campufano*, in whose House he had been kept three Weeks, told him, That the Morning following, he, this Deponent, was to go to the Palace, to make his Declaration, offering him one thousand Pistoles, upon Condition he should declare that there was War when he set out from *Barbadoes*. The following Day they carried

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carried him to the Palace accordingly, where he made his Declaration before his Excellency the President, setting forth, That he set out from the Island of *Barbadoes* for *London* the 11th of *June*, in the Year 1728. Old Stile, with his Ship laden with Sugar, Rum, Cotton, Ginger, all the Produce of the said Island, and that the same Day he was met and taken by the Privateer *La Maria*, twenty Leagues off the North of the said Island of *Barbadoes*. That the Preliminary Articles were concluded and proclaimed in the Beginning of the Month of *March* last past. And he shew'd to the said President all his Dispatches from the Governor and the Custom-House of the Island of *Barbadoes*: But that the said President replied, he had received private Letters with Advice of the Peace, but none from his Catholick Majesty; for which Reason, he had order'd to unload the Ship, and put the Cargo into the Royal Ware-houses, and that he would determine this Cause

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with the greatest Expedition possible. After his Declaration was taken, he returned to the said Owner's House, by Order of the said President, who having heard that he had not made his Declaration to his liking, knock'd him down, and beat him in a barbarous Manner, and turn'd him out of his House, threatening to kill him if he did return thither. And the following Day he went to the Palace, and presented a Writing to the President, complaining of the cruel Usage from the Armador, and that he had not wherewith to provide Victuals or Lodging, praying his Excellency would be pleased to order that some of his Ship's Provision might be given him, and that he, this Deponent, and his People, might have Liberty to lie on board his Ship, to take Care of her till the Law-Suit should be determined; which the President refused, saying, The Privateer was obliged to maintain him, and that if he did not do it, there was no Remedy. And that in
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the Month of *October* of the said Year 1728. there arrived in the Port of *St. Domingo*, from the Island of *Jamaica*, an *English* Ship of War, the Lieutenant whereof deliver'd to his Excellency the President the Preliminary Articles for a general Peace, and a Letter from the Commander of the *English* Squadron at *Jamaica*, requiring the Restitution of this Deponent's Ship, with her Cargo; as likewise that all the *English* Subjects, which had been taken, might have Liberty to come away. Whilst this Ship of War was in sight of the said Port, this Deponent and the other *Englishmen* were confined in a very close Prison, by Order of the said President; nor did they obtain their Liberty till the said Ship was departed. And that when he came out of Prison, *Diego Lynch*, Inhabitant of the said City of *St. Domingo*, who served as Interpreter to the Lieutenant of the said Ship of War, informed the Deponent, that he had strict Orders, from the Presi-
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dent, to tell the said Lieutenant, that he, this Deponent, and all his People, were fled, and that there was no Subject of his Britannick Majesty in that Place. That before Sentence was given, the President order'd the Ship and her Cargo to be sold, which was executed; and when he, the Deponent, desired that a Testimony of the Acts might be given him, and Leave to return to his Britannick Majesty's Colonies, with his People; the said President answer'd him, that what had been done was not sufficient, but that this Cause must come before the Royal Audience, which was done accordingly. And that, during his Law-Suit, he deliver'd more than twenty Petitions to the said President, requesting him not to let him starve for Hunger, or go naked in the Streets, as, in Effect, he did, the Privateers having despoiled him of all his Cloaths; but he never obtained any Relief, although they always answer'd him favourably, by the Notary of this Cause, who told him, he had pri-

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private Orders from the said President to do the contrary. And that in the Month of *January* the decisive Sentence was given by the said President, and the Royal Audience: Whereupon he gave in a Writing, praying, that a Testimony of all the Acts might be order'd to be given him, which he could not obtain, without paying the Notary for drawing them out, which he was not in a Capacity to do, having lived upon Charity all the Time he had been in the said City of *St. Domingo*; for which Reason, he was obliged to go to *Caracas*, where, by the Assistance of the *English* Assiento Factor, he made this Declaration, in order to clear himself to his Owners, and to secure a Remedy, if possible, against such barbarous and unjust Usage.

Whilst this Affair was transacting at *St. Domingo*, another of the like Nature happen'd there, which was as follows:

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Declaration of Captain Story King, Commander of the Ship Robert, of Bristol, done upon Oath, before the aforesaid Notary, in the City of Caracas, on the 17th of April, 1730. who deposed,

THAT he set out with his said Ship from the Port of *Bristol* in the Month of *September*, in the Year 1728. bound for the Coast of *Guinea*, and from thence to the Island of *Jamaica*, with the necessary Dispatches from the Custom-House of the said Port of *Bristol*. And, in his Voyage from the Coast of *Guinea*, for the aforesaid Island of *Jamaica*, he put in at the Island of *Barbadoes*, where he arrived the 8th Day of *May* of the last Year, 1729. Old Stile, to buy some Plantans, Lemons, Yames, Cocoa's, and other Refreshments, for his Negroes, and the Crew of his Ship; and that he set out again from the said Island of

of *Barbadoes*, on the 12th Day of the said Month, to proceed on his Voyage for *Jamaica*. And, on the 20th Day of the said Month, in the Morning, being then something better than twenty Leagues distant from the City of *St. Domingo*, he met a Sloop which fired several Cannons at his Ship, threatening to sink her if he did not come to with his Long-Boat: Whereupon he put out his Long-Boat, in order to go on board the Sloop, which he found to be a Cruiser of *St. Domingo*, although he had taken her for a Pyrate, because they had not put up their Colours. But they would not let him come on board, and only put six Men and the Lieutenant in his Boat, and sent him back to his Ship; and, as soon as the said Lieutenant came on board his Ship, he went into the Cabin, and forced from him, the Deponent, all the Keys of his Chests and Desk, and took away about ten Ounces of Gold Dust, which belonged to his Surgeon, Part whereof he had hid in his

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his Letter-Cafe. Then they carried the Ship to the Bay of *Ocoa*, of the Island of *St. Domingo Hispaniola*, where they anchor'd: And *Nicholas*, which is the Name of the Privateer Captain, call'd the Deponent to him, and, in Presence of some others, he, this Deponent, shew'd him his Dispatches from the Custom-House of *Bristol*, and the Pass from the Governor of the said Island of *Barbadoes*: But the said Privateer Captain answer'd, He did not look for Papers, but for Silver and Gold. Upon which, he rummaged the Ship in search of those Effects; and, at the same Time, the said *Nicholas* wrote to the President of the said Island of *St. Domingo*, advising him, he had taken an *English* Ship, loaden with Negroes from the Coast of *Guinea*, going for *Jamaica*, and desiring his Excellency to order him what he should do with her. In the mean Time, before the Return of the Express, he plunder'd the Deponent of twenty five Ounces of Gold Dust, and all his People

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of their Linen and Cloaths, carrying away from the said Ship all what he thought proper; and, because he had found no more Gold Dust than the abovesaid Quantity, nor Silver in Specie, they tied the Deponent, and his Surgeon and Mariners, to the Bow-sprit of the said Sloop, and beat 'em most cruelly with Cutlasses and Ropes; they severely whipt the Cabbin-Boy, and made him chew Tobacco, and drink Brandy, to intoxicate him; and also they put burning Matches between the Gunner's Fingers, and Hand Vices upon the Surgeon's Thumbs, inflicting divers other sorts of Torments in the most barbarous and inhuman Manner, to make them confess if there was any more Gold on board the said Ship than what they had found. And these Torments and Cruelties were repeated upon him, this Deponent, and his People, during three Days in the aforesaid Bay of *Ocoa*. And after the said *Nicholas* had received an Answer to the Letter he had wrote to the said

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faid President, they fet out, and arrived with this Deponent and his Ship in the Port of the faid Island *Hispaniola* of *St. Domingo*. Whilst they put the Negroes on Shore, by Order of the faid President, *Don Francisco de la Rocha Ferrer*, the faid Deponent was detained a Prisoner on board of the faid Privateer's Sloop, with a Corporal and four Soldiers, without permitting him to come on Shore, to present to the faid President his Dispatches, or to make use of his Defence, until they had entirely plunder'd and robb'd the faid Ship of all her Cargo. And, on the third Day after their Arrival in the River of *St. Domingo*, the faid President order'd the Deponent and faid Surgeon to be brought, under Guard, to his Palace (where the faid Negroes were present) causing them to be ask'd, How many they were which they had brought? To which the Deponent answer'd, upwards of the Number of One Hundred and Eighty, understanding that he was ask'd

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ask'd for the Number of the faid Negroes, and, without any other Question, or permitting the Deponent to express any other Reason, or Word, he sent them back to the Guard-House, and, from thence, to the House of a Mulatto, called *Manuel Morocho*, who pretended to be the Owner of the faid Privateer, although it was commonly reported, in the faid Island of *Domingo*, that the faid President, with the Treasurer, were the true Owners thereof. And that three Days after they had been Prisoners in the faid Mulatto's House, they carried him, the Deponent, and the faid Surgeon, back again to the aforesaid Palace, to take their Declarations; and the President ask'd him, What they had done with the Dollars that were wanting, because they had found no more than One Hundred and Twenty Four in the Bag that was sealed, although they had told him there were more than One Hundred and Eighty? To which the Deponent

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and Surgeon answer'd, That they had not brought any Dollars; and that their Answer had been One Hundred and Eighty, imagining they were ask'd about the Slaves, who were then present, and that they knew nothing of any Bag or Silver; and were ready to justify, that in the said Ship came no Silver, not so much as one Royal of Eight, at the Time when the said Privateer took them. And that if, by Chance, they had found some Pieces of Eight, they must have been put there by the Privateers themselves, since they enter'd into the River of the said Island of *St. Domingo*; praying his Excellency, the said President, at the same Time, to take the Declarations of all the Mariners, who would attest they had not seen one Royal of Eight in the said Ship in the whole Run of her Voyage and Navigation. And, moreover, he begg'd him he would be pleased to order the Privateers to produce the Books, Letters, and other Papers, which they had on board, where
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he would find an Account and Reason of all what he had transacted, since the Time he set out from *Bristol*, till he was taken. But, notwithstanding, the said President order'd that his Books, Letters, and Papers, should be produced, they never were restored him; and that the Deponent gave an Account to the said President of the Barbarities and Cruelties with which they had treated him, and his Officers, and Mariners: But all the Regard he had to it, was, that he laugh'd. And that after the said Deponent had been nine Months at Law with the said *Manuel Marocho*, the supposed Owner of the Privateer, they declared his Ship, the One Hundred and Eighty Seven Negroes, the Gold Dust, the Elephants Teeth, and all the other Effects, a good Prize; notwithstanding the Deponent had justified, that the Pieces of Eight, which they pretended had been found in his Ship, had been maliciously introduced in his Ship by the Privateers themselves:

And that his Ship was incapable of being a Trader, because he carried no Arms, Artillery, or Men, as such Ships use to do; neither had he in his Ship, till then, any one Man that knew how to speak the *Spanish* Tongue. And he, the Deponent, appealed, from the Sentence of the Royal *Audience*, to his Catholick Majesty, in his Royal or Supreme Council, desiring a Testimony of the Acts, which were order'd to be deliver'd him: But the Notaries of the Law-Suit, *Don Juan Rendon* and *Don Pedro de Roxas*, would not deliver them, without being paid first; and that when he went again to ask for them in *forma pauperis*, he had for Answer, that the Notary should wait on him; but the Notaries said they would not draw them without being sure of their Pay. That it was visible the Deponent was naked, and lived upon Alms, which his Excellency and the Judges were not ignorant of, at the Time when the Deponent petitioned, in divers Writings, they would allow him

him something, for his Sustainance, out of the Effects of his own Ship, till the Law-Suit should be decided; but he never could obtain any Thing: and that, though he received favourable Answers, the said Notaries told him, they had private Orders from the President to the contrary. And that, lastly, discovering all was carried on with the greatest Injustice and Falsity, on the Part of those Ministers, he found himself obliged to come to this City, to obtain from the said Factor-General, Mr. *Samuel Collet y Perry*, the necessary Means to return to the said City of *St. Domingo*, to take out the Acts. And that whilst he was waiting for a Ship, wherein he might transport himself to the Port of *Guayra*, he, the Deponent, saw his Negroes in the said President's Palace, young Men of sixteen Years of Age, and young Women of fourteen, which are almost *Pieças de Indias*, to the Number of One Hundred and Thirty Pieces, and that the Flower of his Negroes

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groes were singled out for his Excellency the President, and the Judges, and the Treasurer, and sold for half their Value. And he knew, that as soon as they declared his Ship a Prize, the said Agent of the Assiento requested, in a Petition which he deliver'd, that the said Negroes might be deliver'd him for the Benefit of the Company, offering to pay to the Owner at the Rate of One Hundred and Ten Pieces *per Pieça de Indias*, and the Duties of Thirty Three Pieces, and one Third of the other, to his Catholick Majesty ; but they had not answer'd him when he, this Deponent, set out for the said Port of *Guayra* ; and that then there were no more than about Twenty Slaves remaining of all his Cargo ; and that the Elephants Teeth, which had cost him, upon the Coast of *Guiney*, about Thirty Pieces of Eight, were sold, in the said Island of *St. Domingo*, for the pretended Owners for Nine : And that all what he has declared, is publickly known

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in the said City of *St. Domingo* ; the Truth whereof he confirms under Charge of his Oath, &c.

Declaration of Captain Joseph Spackman, Master of the Anne Galley, taken by Diego de Pina, Commander of the Sufannah Sloop, upon Oath, administered him by Josepho Peres de la Roffa, Notary Publick, in the Presence of Don Juan del Hoyo Solorfano y Sotomayor, Governor and Captain at War of the City of Cuba, wherein he deposed,

THAT he set out from the Port of *London*, bound for the Coast of *Engola* in *Africa*, to load Negroes ; And that at *Ninbengue*, inhabited by Negroes, who traffick with all Nations, he embark'd Two Hundred and Fifty Nine Heads of Negroes of both Sexes, which he purchased by barter for Goods, as Guns, Gun-powder, Anibasses, blue and

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and white Chints, Bugle, and other forts of Merchandizes. And in his Voyage from thence to *Jamaica*, three of his Negroes were drowned; and at *Barbadoes* he sold two more, to purchase Refreshments. From thence he set out for *Jamaica*; and, on the 23^d of *June*, 1728. New Stile, off of *Cape Taburon*, they saw a *Spanish* Sloop, which took them the following Day: That the *Spaniards* treated him and his People very well. His Ship's Company consisted of nineteen Men, three of which, and the Mate, with one of the Privateer's Crew, who went from his Ship to the Privateer's Sloop in his Long-Boat, were never seen again; nor could he tell what was become of them. That when he set out from *England*, the News of a Truce was arrived there; and at *Barbadoes* the Merchants, to whom he was recommended, told him, that six Days before a Man of War was gone from that Port to *Jamaica*, with Orders, that the *English* Squadron, lying upon

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upon the *Spanish* Coast, off *Terra Firma*, should come away; and that what Cargo he carried, besides the above-mentioned Negroes, will appear from his Books and Papers, &c. Done at *Cuba*, the 1st of *July*, 1728.

The Depositions of the Surgeon and Mariners were to the same Purpose, as likewise those of the Privateer Captain and his Crew: Whereupon the Governor, without any farther Delay, pronounced the Sentence; wherein he declared the Ship, and all her Cargo, a lawful Prize; not for any illegal Trade, but on Account of the Difference between *Great Britain* and *Spain*. And, on the 5th of the same Month, the Ship and Cargo were deliver'd to *Christoval Quintero*, Owner of the Privateer Sloop, to be distributed between him and the Sloop's Company, according to the Tenor of the Royal Cedula, made and provided for the Regulation of Privateers.

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After the Preliminary Articles were stipulated between his Britannick and Catholick Majesty, Mr. *Cocks*, Factor of the Royal Assiento, represented to the aforesaid Governor, in the Name of the Owner of the *Anne Galley*; That since his Catholick Majesty had order'd, in his Cedula, dated at *Seville* the 14th of *December*, 1729. all *English* Ships, taken since the 22^d of *June*, 1728. except clandestine Traders, should be restored; the *Anne Galley*, which was seized on the 24th ditto, ought to be deliver'd accordingly. This done, he sued the Person who had given in Bail for the Privateer, at his fitting out, for the Sum of Forty Eight Thousand Pieces of Eight; the Loss of the Ship, the Negroes, and other Effects were computed at; and, after several Complaints and Representations to the Governor, the Surety replied, that as he had given in Bail only for the Damages the Privateer Captain should do to
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his Catholick Majesty's Friends, and not the *English* Nation, who were then look'd upon as Enemies; and as the Seizure of the said Ship had been countenanced, and declared a lawful Prize by the Governor, he thought himself, *ipso facto*, acquitted of the Bail, and not at all responsible for the Sum above-mentioned. Which Reply being approved of by the Governor, and Mr. *Cocks* seeing he could obtain no Redress there, he had a Copy of the Auto's drawn out, which he remitted to his Principal in *London*, to lay this Affair before the King of *Spain*, who, it is hoped, will do Justice to the Party aggrieved.

The fourth Case is that of the *Anna Maria*, of *Bristol*, Capt. *James Phelps*, Commander. This Ship was taken off the Island of *Cuba*; and, after the Privateer Captain had put his Lieutenant on board of her, she was drove, by bad Weather, into the Port of *Havana*, and

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the Privateer Sloop putting in at St. *Jago de Cuba*, a Law-Suit was commenced at each Place, on Account of this Capture.

The Lieutenant of the Privateer, at his Arrival with the *Anna Maria* at *Havana*, deposed, That he fet out from the Port of St. *Jago de Cuba*, in the Sloop called, *La Santissima Trinidad y las Animas*, the Beginning of *March* current, 1725. with a Warrant from the Governor of the said Place. And that after about twelve or fourteen Days failing, they met a Ship, between the Point of *Maisi* and *Baracoa*, off the Island of *Cuba*, seven or eight Leagues off the Coast, which they chased twenty four Hours; and, at last, upon firing at her, she surrender'd. When the *English* Captain was come on board the Privateer Sloop, the Captain of the Privateer went on board the *Anna Maria* to examine her, and found divers Goods, by which he declared her to be a Prize.

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That he heard them say, the said Ship brought *Campechey* and *Brafilete Wood*, *Indigo*, and *Sarsaparilla*, all prohibited Effects, the Produce of his Catholick Majesty's Dominions, and Silver of *Mexican* Coin, which the Privateer Captain order'd to be carried on board his Sloop: He knew not what Sum it was, but that there were fourteen or fifteen Bags of different Sizes. That the Privateer Captain appointed him, this Deponent, to proceed for *Cuba*, with the *English* Ship; but, on the 22^d Instant, he lost Sight of the Privateer Sloop in a Storm, and that he was obliged to put in at this Port. That he brought eight *Englishmen* Prisoners, and that the Privateer Captain had taken on board his Sloop all the Books and Papers belonging to the *English* Captain, &c.

Mr. *Ferwey*, Supercargo of the *Anna Maria*, deposed, upon Oath, That the *Spanish* Ship bore *French* Colours when they

they were taken, and that the Privateer Captain carried on board his Sloop to the Value of 1500*l.* *Sterling*, in nineteen or twenty Bags of Pieces of Eight, and some Parcels of Gold, with the Books of Accounts and Papers; some Provisions, Watches, *English* Money, and other Things of Value. This Deposition was confirmed by the seven other *Englishmen*, who were examined at the same Time: Whereupon the Governor order'd the Ship to be unloaden, and the Goods to be deposited in the King's Ware-houses. Then the Lieutenant of the Privateer presented to the Governor a Petition, wherein he set forth, that this Ship ought to be declared a Prize, because they found contraband Goods, and *Mexican* Money, in her. To which Mr. *Ferwey* replied, that this was no sufficient Reason for condemning her, because he had those Effects at *Jamaica*, where they were introduced by the Assiento Factors; and that, to make the *Anna Maria* a Prize,

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it ought to be proved, that they acquired the aforesaid Goods by unlawful Commerce with the *Spaniards*. And as this was not done, and they were taken on the High Sea, sailing with their lawful Dispatches, the Privateer who seized them ought to be punished as a Robber and Pyrate: Besides that, the Privateer's Warrant, being granted him by the Governor of the City of *Cuba*, is not a legal one, since it is order'd, in the Cedula for the Regulation of Privateers, that none but Viceroyes, Presidents, Governors, and Captains-General, shall issue them.

Towards the latter End of *June*, (which Time had been spent in petitioning and replying, without any Effect) the Ship began to crack and split, so that she was in Danger of foundering; by the excessive Heats and Rains; wherefore Mr. *Ferwey* desired, that Care might be taken to repair her, and to pay these

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and other Charges, the Governor order'd some of the Cargo, as *Indigo, Sarsaparilla, Brasilete, and Campechey Wood*, to be sold; which was done, to the amount of 1922 Pieces of Eight, and 3 Royals. The Charges of the Law-Suit, and unloading the Ship, amounted to 1030 $\frac{1}{2}$ Pieces of Eight, which being paid, the Remainder was deposited in the King's Officer's Hands.

Now the Privateer Captain, *Pedro Garcia de Aguilar*, arrives at the *Havana*, and petitions the Governor to take the Decision of this Law-Suit entirely upon himself, as belonging only to this Tribunal, and not to that of *St. Jago de Cuba*; and the Auto's (Law Writings) done on this Account at *Cuba*, are ingrossed with those done by the Governor of *Havana*, *Don Carlos de Sucre*.

By the Auto's done at *Cuba*, it appears the Captain of the Privateer deposed,

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posed, That he took only 933 Pieces of Eight; but Captain *Phelps*, and several others, deposed, that he plunder'd the Ship of a much greater Sum; and that before he put in at the Port of *Cuba*, he landed at *Baracoa* eighteen Bags of Silver, amounting to about eight or ten thousand Pieces of Eight; which Money was convey'd to *Cuba* by Land, and fraudulently concealed by the Privateer Captain, who only deliver'd to the Governor of *Cuba* the aforesaid Nine Hundred and Thirty Three Pieces of Eight.

Then the Bills of Lading of the Silver, and other Effects, found in the *Anna Maria*, attested by the Duke of *Portland*, Governor of *Jamaica*, and his Secretary *Joseph Manuel*, Esq; were produced, before the Governor of *Havana*, to prove that the aforesaid Commodities had lawfully been taken in at the Port of *Jamaica*: with all the necessary

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cessary Dispatches from the Custom-house; and Attestations from the Assiento Factors in *Jamaica*, that they are allowed to introduce, as actually they do introduce, at *Jamaica*, all sorts of *Spanish* Effects and Coin. So that as it appear'd very plainly, the Effects of the *Anna Maria* had been lawfully acquired; and that she was not guilty of illegal Commerce, the Governor of *Havana* pronounced the following *Sentence* :

He sets forth, That having maturely examined the Allegations of both Parties, He declares the *Anna Maria* to be no Prize, and orders the Restitution of the said Ship and Cargo. And as, according to the Instructions about the Regulation of Privateers, Warrants for cruizing are only to be issued out by Viceroy, and Captains-General; He therefore declares, That the Warrant of *Pedro Garcia de Aguilar*, who seized this Ship,

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Ship, was illegal. Dated in the City of *Havana*, the 16th of *November*, 1725. Signed, *Don Dionisio Martines de la Vega*, Governor; *Miguel de Ayala*, Notary Publick of the Government.

The Privateer Captain appealed from this Sentence to his Catholick Majesty, and his Supreme Council of the *Indies*; the King's Officers of the Custom-house did the same, and petitioned, that the Ship and Cargo, taken by an illegal Warrant, might be confiscated for the King's Use. Which Appeals being granted, the Governor order'd the Ship, which was in bad Repair, and liable to a total Decay, and the Sugars, as perishable Commodities, to be sold by publick Sale, and the Money to be deposited in the Royal Coffers, until the final Determination of this Cause.

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Then

Then they seized the Privateer Captain's Sloop, on Account of the Illegality of his Warrant, (or rather for concealing the 9000 Pieces of Eight from them) and obliged him to give in Bail for 1400 Pieces of Eight, the Ship was valued at.

This done, Mr. *Fewey* petitioned, that the Books and Papers taken from Captain *Phelps*, might be delivered him; which was granted by the Governor, ordering them to be examined first by an Interpreter, who, after he had perused them, reported, He found nothing in Favour of the Privateer Captain, or the Royal Treasury, because they only contain some Transactions and Consignments between the *English*, from one Port of theirs to another; and here this Affair rests.

This

This is a plain and simple Narration of the Matter of Facts. Many aggravating Circumstances might have been added, which I omitted, for fear of seeming partial; the above being sufficient to convince the Publick of the grievous Depredations, and illegal Seizures, with which the *Spaniards* have lately annoyed our Navigation.

F I N I S



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