

Chasing the Slavers

The establishment of the Vice Admiralty Court of St Helena and its early cases

By Stéphane Van de Velde

St Helena's role in the antislavery struggle is not well-known. However, this place played an important role for Britain's naval policing operations in the South Atlantic Ocean from 1840 until the demise of the Transatlantic Slave Trade in the early 1870s.

Slavery in the Western World from 1810 to 1840

In 1807, the slave trade was outlawed in the British Empire, although the institution of slavery was not suppressed until 1833. By 1840 slave trading had been prohibited by most other European nations, including Sweden in 1818, Spain in 1835, and Portugal in 1839. However, illegal trading continued on a large scale. Portuguese, French, Spanish, American and some English traders were all involved. Formal legal abolition did not mean an actual abolition of the slave trade, and most of the European and American countries did not take effective measures against it.

After the negotiation of several bi- and multi-lateral treaties, Britain became the effective head of the antislavery movement, her navy controlling thousands of kilometres of the West African coastline. Treaties were passed in 1817 and 1818 with Spain, Portugal and other powers. During the early decades of the century, the principal court for adjudicating cases of captured slave vessels was that of Sierra Leone, but in 1840 a new Vice Admiralty court was established on St Helena. This event followed close on the heels of the final abolition of slavery on the island, in 1833, which was confirmed by a proclamation by the island Governor George Middlemore in 1839.¹

The choice of St Helena as a Royal Navy base and the seat of a Vice Admiralty Court was mainly due to its very good location. Until 1860,

along the West coast, only Sierra Leone and the Cape were British colonies. Moreover, St Helena could be reached from the Angolan and South American coasts in a relatively short time. Not as well located, smaller, and more recently settled, Ascension Island did not play such a role.

The establishment of the Vice Admiralty Court on St Helena

The Act for the suppression of the slave trade, passed in the British Parliament on 24th August 1839, stated that any person under the order or authority of the Lord High Admiral had the right to seize any vessels engaged in the slave trade, and to bring them (and the slaves they carried) for adjudication in the High Court of Admiralty of England, or in any Vice Admiralty Court within British dominions, as if such vessels and cargos were the property of British subjects.

At that time, the arrival of Africans was not perceived as a difficulty from the Government's point of view. Secretary of State Lord John Russell wrote to Governor Middlemore in May 1840: *'It is, I Trust, highly improbable that any Africans who may be captured by Her Majesty's Cruisers, will be landed at St Helena, but if any considerable number of them should be brought to the Island for that purpose, the captors should be desired to carry them on to the Cape.'*²

In fact, from the beginning, many of them were sent to St Helena and only around mid-June 1840 did it occur to anyone to help the newly liberated slaves by giving them medical assistance. No initiative to put in place a proper system to treat and process the freed slaves was attempted until late 1840.³

Less than ten months after the start of the procedure for founding a Vice Admiralty Court on St Helena, it was created. On 8th June 1840, Governor Middlemore swore in the new judge, Colonel Charles Robert George Hodson and William Henry Seale became registrar. Colonel Hodson had been in the service of the East India Company for 42 years and was well aware of the anti-slavery struggle. As a Colonial Secretary, he had already promulgated an ordinance to clarify the situation of slavery on St Helena and its definitive suppression in the name of Governor Middlemore on 27th May 1839. He had been a Summary Judge from 1835 and a member of the Legislative Council from 1839.⁴

His registrar, William Henry Seale, was already Colonial Secretary and Chief Treasury Clerk at the time of his appointment and had been a Civil Service Member of the East India Company for 26 years. Born into an old St Helenian family, he succeeded his cousin as Colonial Secretary and held the post of Registrar in the Vice Admiralty Court until 1863.⁵

Edward Gulliver, who was Harbour Master from 1836 to 1852, was appointed as Marshal. In the Royal Navy for 15 years, Gulliver's job involved boarding every ship which came into port, and watering them, transporting provisions and water to the batteries and affording the assistance of ferries to ships. As Time Officer, he also gave the mean and Greenwich time to shipping by a daily signal.⁶

However, the Chief Justice, William Wilde⁷, refused to swear in the judge as he believed the setting up of this Court to be illegal. Moreover, Wilde considered that, according to the law, the judge should be appointed by the Lords Commissioners of the Admiralty and not by Middlemore. He could have also have felt that this post should have fallen to him, and therefore his objections may have been less than pure. Hodson answered those arguments in a letter to justify his legal appointment. His main arguments were summarized thus: *'On the 9th of January 1837, Letters Patent [...] were issued constituting Major General Middlemore Vice Admiral of this island. By this patent he has the power of appointing a deputy and of naming, appointing, ordaining [...] and constituting other necessary fit and convenient officers and ministers under him for the said office and execution thereof.'*⁸

In the event, the affair did not have any serious repercussions, but less than two years later, Hodson was replaced by William Wilde, who remained in the post for 21 years.

Although only created early in June, the Court worked before that date, with the members of the Court appointed on the 24th March 1840 for the purpose of adjudicating the first ship, which had been seized ten days earlier. From June 1840, at least three Royal Navy vessels visited St Helena during the course of their antislavery patrols. These three cruisers captured, boarded or destroyed ten slavers in 1840 and liberated the slaves who were brought to the island.

The first naval vessel to capture a slaver and bring it to St Helena was the brig of war Waterwitch, which became one of the best known warships of the entire anti-slavery struggle in the South Atlantic. She was the most successful Royal Navy cruiser, bringing 43 slavers into St Helena during the course of her operation. There remains a memorial to her in the Castle Gardens, Jamestown, which commemorates a number of the crew who had died whilst serving off the coast of Africa. The text



reads: *'The Great Number died while absent in captured slave vessels. Their remains were either left in different parts of Africa or given to the sea. Their grave alike undistinguished this island is selected for the record because three lie buried there and because the deceased as well as their surviving comrades, ever met the warmest welcome from its inhabitants.'*

RYS Brig Waterwitch

The first case: A representative example

The first slaver captured was the Cabacca, a vessel sailing under Portuguese colours, but lacking any papers which gave to her the right to the protection of such a flag. She was seized on 14th March 1840, close to Ambriz in the northern part of Angola, and was most probably travelling between two Angolan harbours. The chase given by the Waterwitch was not straightforward. Lieutenant Henry James Masson, commander of that ship, reported to the court: *'[The Cabacca] made every effort to avoid capture, endeavoured to escape, after being detained and did not surrender until being repeatedly fired at.'*

There is no precise information about the size of this ship, but it appears that she travelled with only six crew. Whilst this seems a small number, it was in fact not unusual: the other vessels captured during 1840 were similarly crewed. Given this fact, and considering the size of other slave

ships taken into custody, Cabacca is unlikely to have exceeded 100 tons. All the vessels captured in 1840, and about which we have some information, were between 66 and 250 tons burthen, with only one larger than 120 tons. The maximum crew was around twenty.

The commander of the Cabacca was a certain Antonio Sebastian, living in Angola. He was captured and brought to St Helena on board Waterwitch. According to his testimony, he generally sailed along the coast from Benguela to the area of Luanda. He had two slaves on board, a woman and a child, both healthy, though neither of them could understand a word of any European language.

According to the naval commander, they were forcibly put on the boat. *'The Deponent further states that the Captain Annanias, the owner of the slave, took the woman and the child from his mother's house and put them into the boat to take on board the brig.'* In this case, the slave vessel was directly destroyed by fire and all the crew except the commander and the slaves sent to Angola.⁹

Focusing on the Portuguese ships

In the early 1840s the focus was put on Portuguese slavers and on any vessels not showing a flag.

Most of the ships captured by the Royal Navy Squadron and adjudicated by the Vice Admiralty Court of St Helena were chased along the Angolan coast. When analysing the collected data of Wilfred G. Tatham (Archivist at the Governmental archives, Jamestown, during the 1960s), it appears that 80% of the seized vessels brought to St Helena were captured there. The proportion of slaves taken in South West Africa increased during the first half of the 19th century and it is certain that during the 1830s two thirds of the slavers known by the British Foreign Office took their human cargo either from Angola or from Mozambique.¹⁰

In 1840, every slaver brought into St Helena was seized along the coastline between Benguela and Ambriz. The brig of war Brisk, captured four ships in 1840 and three of those prizes were taken between 9th and 14th June whilst approaching the Angolan Coast. It is therefore possible, using the coordinates of the places and the dates of capture, to see the

voyage undertaken by the Brisk. The ease with which she found slavers gives an idea of the number that might have been in that area during that time.¹¹

The “cargo”

The Vice Admiralty Court considered ships of varying sizes to be “slave ships” – not only the larger vessels running hundreds of slaves to the coast of America. Very often the carrier was neither very impressive, nor capable of making a transatlantic voyage. Sometimes the prizes were simply tiny boats transporting slaves along the coast of Africa.

Sometimes also, the vessel was not strictly a slaver because some members of the crew were slaves. This was the case of the Andorinha, which had on board a cook belonging to the commander of this vessel.¹² In 1840, most of the captured slavers did not have an actual cargo of slaves. Instead, when the Royal Navy vessels found them, they were carrying an unusually large quantity of water and food, which was seen by the commander of the Royal Navy ship as evidence that they were equipped for the slave trade. This cargo was usually claimed to be for the use of the crew, but often it was patently far too large for the limited crew who were aboard at the time of capture.

The taking of prizes based solely on ‘equipment clauses’ was common during the year 1840 and can be illustrated by the case of the Maria Rita. After boarding, many signs aroused suspicion. Registrar Seale recorded the following:

1st. [The] *divisions and bulk heads on deck, were more numerous than are necessary for [a] vessel engaged in lawful trade, and of the particular constructions common to all vessels.*

2nd. [There were] *more water and water casks, than necessary for a vessel engaged in lawful trade.*

3rd. [There was] *an extraordinary quantity of farinha beyond what might be required for the use of the crew as a merchant vessel, neither that, nor any of the above articles being entered in any manifest [...] that on boarding her, he found that her hold had been lately disturbed with the appearance of water casks having been taken out that there was a large quantity of water in the hold which on tasting he found to be brackish.*¹³

When actually carrying slaves, the suffering of those being transported is

clearly apparent. In the case of an unknown ship carrying two slaves from Luanda to Ambriz and captured close to that city on the 14th June 1840, the unfortunate passengers were *'so much reduced they could not stand upright, and were lying in the bottom of the boat.'*¹⁴ They were landed in St Helena and Judge Hodson freed them with the customary words: *'they are hereby emancipated and declared to be henceforth free.'*¹⁵

However some indications found in the St Helenian Letter Book and seen together with the Vice Admiralty Court Book suggest that in reality emancipation may have been quicker, (even if not legally) and that the slaves were fully freed before final adjudication of the slaver was completed. According to the Vice Admiralty Court Book, the final judgment of the Andorinha took place on 13th July 1840, but the Customs Service (which was generally responsible for slaves' care) had already received a letter on 6th July ordering it to take care of the "liberated slaves".¹⁶

The adjudication procedure

The ships seized during 1840 were all tried less than three months after being captured. Some of them were adjudicated only one month after capture and the fastest trial was executed in just two weeks.

The adjudication procedure usually followed the same order. A slaver was captured or destroyed by a Royal Navy vessel. The latter then brought the slaver, along with its crew and slaves to St Helena, unless it had been destroyed after capture. The commander of the British war ship wrote a short report with indications about the name and the flag of the ship (if known), her size and weight, the cargo, the coordinates of where she was captured, the date, all the circumstances of the chase, the legal basis allowing him to seize the slaver and any documents seized on board the prize. The commander's report usually finished with the following words (together with the signature of W. H. Seale): *'delivered up in the same plight and condition, as when so received, without any fraud, subduction, alteration or embezzlement.'*

The commander of the slaver was then questioned using a translator who would have been a St Helenian who could speak Portuguese. The questions were usually the same at the beginning of each examination: details were asked about the person's state, and about the purpose of the

voyage, the destination, the owner of the ship and about the slaves. The slaver commanders' testimonies were usually compared with the documents seized on the slaver. The questions were all simple and unequivocal and the answers usually short. Most of them were no longer than three or four lines in the register.

At times, the questioning could be very confused and cover many pages. On the other hand, when the case was very clear, a few questions only were reproduced in the Vice Admiralty Court Book. It was only in the most difficult cases that crew members other than the captain were questioned, and their examination was always short.

At the end of each case, a document was transcribed in the Vice Admiralty Court Book, the judgement was given and signed by Charles Hodson. It was usually short and consisted of a brief summary of the circumstances of the chase, its date, its place and the legal basis for the seizure. When the circumstances and the origins of the ship were obscure, the judgment was longer and contained a critical summary of the verbal evidence of the slaver's crew, with a note about the documents found on board. Then, regardless of whether the ship lay in Jamestown harbour, or had already been destroyed at sea (see below), she was formally condemned and the slaves declared free.

The above description gives an outline of the process followed by the Court, but for many cases there are pieces of information that are missing. Despite this, some cases recorded in the Vice Admiralty Court Book are recorded in minute details as is the case of the Maria Rita, which flew the Portuguese flag and from which there is a list bearing the name of every mariner.¹⁷

The final act of the adjudication process was the physical destruction of the slave ship – a legal requirement. On St Helena the actual breaking up was carried out in Rupert's Bay, at the mouth of a nearby coastal valley to Jamestown. There were occasional exceptions, however: the Andorinha should have been destroyed on 13th July 1840, but the vessel was again mentioned as existing on 18th December. She was retained by the colony for use as a quarantine vessel for slaves landed in December 1840 who were infected by smallpox.¹⁸

It was not uncommon for an unseaworthy slaver to be destroyed on the

African shore or burnt at sea, after everybody had been transhipped or landed.¹⁹ Commander Masson did so with an unknown ship chased off Ambriz. *I took possession of and destroyed a large slave brig – supposed to be the Doios D’Artuhro – under the following circumstances, he said. At day light this morning chase was given to a suspicious looking brig who crowded all sail, steering for Ambriz, at now she was observed so anchor off there and after communicating with the shore by several boats again make all sail to the northward. At 2 p.m., the Water Witch (sic) gaining on the chase she steered for the land and ran on shore under all sail, the crew immediately deserting her, on boarding the said brig found her fully equip and ready to receive a cargo of slaves [...].*²⁰

After the capture of the ship, the slave captains often offered some excuse or pretext for running away when the Royal Navy cruiser approached. Antonio Sebastian, in charge of the Cabacca, said he was afraid the captain would shoot him. He was also afraid of pirates, especially a Spanish one who was apparently sailing in the West African waters at that time. Some other slavers – such as Pedro Marques da Silva Rebeiro, the Maria Rita’s commander – also claimed that he thought the Royal Navy ship was a pirate. When he was asked why he attempted to escape from the Waterwitch, he answered that there was a report at Benguela, according to which a Spanish pirate was patrolling the coastline and that he mistook the Waterwitch for her; when she hoisted English colours, he put about. He finished by saying that he was very afraid of pirates, having been taken by them four times. Mariners from other ships also talked about this pirate, which suggests that this testimony could well have been based on true facts.²¹

According to the questioning of the Court, it is interesting to see how short and open the slavers’ masters were in their responses. The clarity of their testimony is astonishing and is the same for almost every commander. Antonio Sebastian reacted to the questioning as follows:

Q. *Had you any slaves on board?*

A. *Yes, a woman and a child.*²²

Theotonio Flavia da Silveira, commander of the Coringa, a 66-ton Portuguese vessel, gave a similar answer:

Q. *Is your vessel fitted up for the Slave Trade?*

A. *Yes.*²³

It is most likely that the answers were not written exactly as they were

spoken, and most probably were summarised. The record that comes down to us is therefore somewhat sanitised. Every hesitation, the tone of voice, the fear; all these disappear when it is transcribed. Many of the nuances and feelings which would have been evident during the hearing also disappear as a result.

Unlike their commanders, when the ordinary sailors were questioned, they usually said they were not responsible or they did not know about the purpose of the voyage. This was, for instance, the claim of a crew member of the Dictador, taken off Ambriz on 10th June 1840: *When I shipped, he said, I was told I was going to Monte Video. [I] did not know we were going to Ambriz, after leaving Rio, we took in provision and plane deck and were then told we were going for slaves.*²⁴

Conclusion

The cases tried in 1840 were just the first of many. According to Tatham's data, 425 ships were tried at the Vice Admiralty Court of St Helena between 1840 and 1867. These vessels transported a huge number of slaves – between 21,500 and 25,000 – all of whom were brought to St Helena.

The number of slave vessels taken in 1840 was lower than in many subsequent years. The same is true of the number of slaves received onto the island: in 1840, only 278 slaves arrived, and the African population of St Helena at the end of the year was around 240. The average number of slaves received between 1840 and 1872 was 650 per annum, although this varied greatly year-on-year. The new freemen were usually sent to the British West Indies as indentured labourers – a dubious emancipation – or, much more rarely, returned to Africa.²⁵

It was stated by 1850 that the slave trade was over, but this proved to be a false dawn, and cases continued to occur frequently during the following decade. But from 1862 until 1868, when the last vessel was condemned on St Helena, only 24 slavers were adjudicated. The duty to try the slave ships ceased after 1872.²⁶

St Helena's role in anti-slavery is all but forgotten, but the island continues to deal with some of the outcomes of its role. In 1840, a slave ship was brought into Jamestown and broken up in Rupert's Valley, but the timbers contained white ants which rapidly spread across the island.

The termite invasion was a real calamity for St Helena's buildings: the lath and plaster structure of many homes was eaten away, roofs fell in and plastered ceilings were replaced with embossed metal. Its historic records have also suffered – not least of which are the documents relating to the Vice Admiralty court.

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 2. 'Duplicate N°73, Downing Street to Major General Middlemore, 27th May 1840', Secretary of State Despatches Book (the Archives, the Castle, Jamestown, St Helena), pp.316-317.
 3. 'N° 285, 29th October 1840', Letter Book (the Archives, the Castle, Jamestown, St Helena), p.15.
 4. *The Blue Book...*, p.106.
 5. *Ibidem*, pp.76 and 110 ; W. G. Tatham, *Notes on the suppression of the Slave Trade, Vice-Admiralty Court, St Helena, 1840-1872* (the Archives, the Castle, Jamestown, Island of St Helena), p.2.
 6. *The Blue Book...*, p.73, pp.88-89 ; W. G. Tatham, *Op. Cit.*, p.2.
 7. William Wilde was appointed by the Secretary of State on the 19 October 1836. (In 'The Blue Book of the Colony of St Helena' (St Helena: Colonial Office, 1840), p.104).
 8. 'Copy of a letter from Judge Hodson to Lord John Russell', Secretary of State Despatches Book..., p.410.
 9. 'Hearing of the Commander of the "Cabacca"', Vice Admiralty Court Book, p.10
 10. In the first decade of the 18th century, 70 000 slaves were sent from Angola. In the 19th century, they were 168 000. In H. S. Klein, *The middle passage, Comparative Studies in the Atlantic Slave Trade* (Princeton University Press: Princeton, 1978), p.27 ; W. G. Tatham, *Op. Cit.*, p.4. ; Curtin. Ph., *Op. Cit.*, p.242.
 11. 'Judgment, 13th July 1840', Vice Admiralty Court Book, the Archives, the Castle, Jamestown, Island of St Helena , p.20 ; 'In the Vice Admiralty Court of St Helena, 6th July 1840', *Op. Cit.*, p.29 ; 'Judgment, 13th July 1840', *Op. Cit.*, p.30.
 12. 'Schedule of Papers N°1 & 3, Theotonio Flavia da Silveira sworn', Vice Admiralty Court Book..., p.15.

13. 'In the Vice admiralty Court of St Helena, St Helena 27th July 1840', *Ibidem*, p.31.
14. 'In the Vice admiralty Court of St Helena, St Helena 8th July 1840', *Ibidem*, p.29.
15. 'Judgement, St Helena, 13th July 1840', *Ibidem*, p.30.
16. The Blue Book of the Colony of St Helena (St Helena: Colonial Office, 1842), p.116 ; 'N° 213, 6th July 1840', Letter Book..., p.315.
17. 'In the Vice Admiralty Court of St Helena, 27th July 1840', Vice Admiralty Court Book..., p.32.
18. 'Report of the "Water Witch", 13th July 1840', *Ibidem*, p.16 ; R. Gill and P. Teale, *St Helena 500, a chronological history of the island* (St Helena: Saint Helena Heritage Society, 1999), p.287 ; 'The St Helena Gazette', Saturday, 7 March 1846, pp.2-4.
19. 'N°335, 18th December 1840', Letter Book..., p.37.
20. 'In the Vice Admiralty Court of St Helena, St Helena, 4th January 1841', Vice Admiralty Court Book..., p.51.
21. 'Pedro Marques da Silva Rebeiro', Vice Admiralty Court Book..., p.37.
22. 'Hearing of the Commander of the "Cabacca"', *Ibidem*, p.9.
23. 'Theotonio Flavia da Silveira', *Ibidem*, p.16.
24. 'Jozé Souza – Mariner of the "Dictador"', *Ibidem*, p.26.
25. W. G. Tatham, *Op. Cit.*, p.3 ; Ph. Gosse, *St Helena, 1502-1938* (London: Anthony Nelson, 1938), p.320 ; *The St Helena Guardian*, 17 October 1872, nr. 363, p.3.
26. *The St Helena Guardian*, *Ibidem*, p.1