

Court of the British and Spanish  
mixed Commissions Sierra Leone

Before Thomas Gregory Esquire Conjoint Judge  
of His Britannic Majesty and Don Jose Lopez  
Commissioner of Arbitration of His Catholic  
Majesty the King of Spain (Don Francisco de  
Cajal being ill)

Present Daniel Motley Hamilton Esquire Registrar

Monday the 4<sup>th</sup> day of October in the  
Year of our Lord 1819

Fabianna Spanish Schooner  
Don Juan Garcia Master

Our Sovereign Lord the King  
against

The said Schooner her tackle apparel and  
furniture and the goods ware, ~~and~~ merchandise  
and Slaves on board the same, taken and  
seized by His Britannic Majesty's Ship  
Mercurius Charles Buxton Esquire Captain  
Commander and brought to Sierra Leone  
and against all persons in general

On which day Robert Barry Fitzgerald Esquire  
exhibited for our Sovereign Lord the King and brought in  
attestation of Hugh Wood Esq<sup>r</sup> a Lieutenant of His Britannic  
Majesty's said Ship Mercurius with Schooners Papers marked  
from N<sup>o</sup> 1 to N<sup>o</sup> 10 inclusive. — That the said Schooner  
Fabianna whereof Don Juan Garcia was Master  
during her Voyages and stay on the Coast of Africa was  
taken and seized by reason that the said Schooner was  
employed in the Traffic in Slaves contrary to the Law  
existing and entered into by His Britannic Majesty  
and His Catholic Majesty the King of Spain and brought  
into Sierra Leone for adjudication wherefore he prayed  
and the said Conjoint Judge and Commissioner of  
Arbitration at his Petition decreed that all  
persons whatsoever who have or pretend to have any right  
title or interest in the said Schooner Fabianna

lading, so seized and taken, be manifested, cited and  
 brought to judgment, so that they appear before the said  
 law necessary <sup>and</sup> judges, named in the mixed Commissions  
 established at this place, at the Court House of the mixed  
 Commissions on the third day after service of the said  
 Monition, to shew and allege in due form of law a reasonable  
 and lawful cause, if any they have, why the said schooner  
 Sabianna, and her lading so seized and taken should not  
 be pronounced at the time of the seizure of the same to  
 have been employed in an illegal traffick in Slaves; and  
 further directed, that it be thereby intimated unto  
 the said persons, that if they do not appear at the time and  
 place aforesaid, and shew a reasonable and just cause to  
 the contrary, the Commissions Judge and Commissions of Arbitra-  
 tion will proceed to Adjudication on the said capture, and  
 may pronounce the said Schooner, Sabianna and her  
 cargo, liable to be adjudged forfeited, and to be disposed  
 of as directed by the said Treatie, and may pronounce  
 all and singular the Slaves found on board to be  
 emancipated from slavery, the absence or rather  
 contumacy of the persons so cited and intimated in  
 anywise notwithstanding

Same day R. B. FitzGerald filed a Declaration of  
 C. B. Strong Esq. Commander of H. M. Ship Morgiana relative  
 to the above Capture and produced as Witnesses in said  
 cause Augustin Marsal first Pilot, Pedro Berta second Pilot  
 and Juan Picon Boatwain who were duly sworn and  
 examined in Interrogatories put by Commissions  
 Same day Augustin Marsal brought in and  
 filed by Book of said Shewers